University-National Oceanographic Laboratory System

Research Vessel Operators Committee

Volume 18, Number 2 RVOC Newsletter 15 September 1993

Well, we have only done two mailings of the newsletter this year. This was based on the need to disseminate information and the number of clippings I received. The newsletter can continue to offer all of us an opportunity to share our unique experiences.

Dean Letzring has mailed out a package of information on the conference accommodations, etc. If you have not received this mailing he can be contacted as follows:

Telephone	409-740-4469
Fax	409-740-4456
Telemail	RV.GYRE

Enclosed is the meeting agenda. We have quite a full plate including three workshops. Please take the time to review these workshops. Not only do we need you to complete the form providing the necessary information, but we would like to assign the membership for each of the workshops prior to the meeting. Please E-Mail Mike (MLML.SIIPS) your prioritized list: first choice, second choice, third choice for the workshops.

These workshops will run concurrently. It is, therefore, important that you complete the enclosed questionnaires if you want your opinion heard in a workshop that you will not be participating in.

Please note in the Clippings section that Jack Bash has previously solicited your comments on renewing the MAS Contract. You should also take note that in this section is a summary of all the "Captain's Post Cruise Reports" received at UNOLS. RVOC has been asked to review this form and recommend any changes we feel are necessary. Finally, we need to review the RVOC Charter and approve it for three more years.

Thanks. Look forward to seeing all of you at the RVOC meeting in Galveston.

Mike Prince Paul Ljunggren

Internet

Mike and I have begun to use Internet for our E-Mail. I have found it a lot easier for communicating and transferring documents. I would like to identify those of you who access to Internet and what your mailbox is. If you will send them to me I will begin to include them in the RVOC Directory. My Internet mailbox is-

marsupt@lamont.ldgo.columbia.edu

0830 Tuesday, 26 October 1993
Meeting in Hotel

0800 REGISTRATION AND COFFEE

0830 WELCOMING REMARKS

- Dean Letzring, Marine Superintendent, Texas A & M University
- Dr. Robert Duce, Dean, College of Geosciences and Maritime Studies
- Mike Prince, Chairman, RVOC

0900 OLD BUSINESS

- Minutes of the 1992 Meeting - Mike Prince
- RVOC Newsletter - Paul Ljunggren
- Inspection of chartered vessels, guidelines
- Legislative agenda, GPS P-Codes and Radio Officers-Joe Coburn, Dolly Dieter, Paul Ljunggren

0930 COMMITTEE AND LIASON REPORTS

- UNOLS, Jack Bash/Dr. Garrett Brass
- Safety Committee, Tom Smith
- RVTECH, Steve Rabalais
- FIC, Joe Coburn

1015 NEW BUSINESS

- Medical Service contract and RFP
- Oil spill response plans

1100 AGENCY REPORTS (approximately 10 mins each)

- National Science Foundation - Dolly Dieter
- Office of Naval Research - Keith Kaulum
- NOAA - Don Northrup and Scott McKeller
- Oceanographer of the Navy - Patrick Dennis
- U.S. State Department - Tom Cocke
- USCG - LCDR Bill Davis
- Others

1200 SPECIAL REPORTS (approximately 10 mins each)

- Texas A & M - Dean Letzrig
- Mexican Representatives
- NERC - Paul Stone
- Bedford Inst. of Ocean. - James Wheelhouse
- OCEANUS Class Mid-Life Refit- Bill Hahn/Joe Coburn/Ken Palfrey
- Sea Water Piping, Gallionella, the bug that eats steel (Robert Hinton)

1300 LUNCH AT HOTEL

1400 Tuesday, 26 October 1993
Afternoon Session
Meeting in Hotel

1400 CONTINUE SPECIAL REPORTS

- WHOI Swath, Joe Coburn
- MBARI Swath, Mike Prince
- U. of Miami Catamaran, Ron Hutchinson
- AAUS - Michael Lang, R/V Diving statistics
- Coastal Marine Science Workshop, Mike Prince/Jack Bash
- Any other operators with special reports

1500 REGULATORY UPDATE

- Report on recent and pending regulatory changes and their impact on Research Vessels (15 minute presentation followed by questions, answers and comments)

1530 INSURANCE AND LIABILITY

- Report by Dennis Nixon on liability and insurance issues. (15 minute presentation followed by questions, answers and comments)

1600 WORKSHOPS

- Form workshop groups for Wednesday morning and hold organizational meetings

0830 Wednesday, 27 October 1993
Meeting at Texas A & M Facilities

0830 ADMINISTRATIVE BUSINESS AND WRAPUP OF TUESDAY'S AGENDA

0900 WORKSHOPS ON R/V MANAGEMENT (Three Concurrent Workshops)

Control of Pollution and Hazardous Materials:
OPA 90, Oil spill response plans, Hazardous material control, Garbage disposal - Panel will review the current status of requirements imposed on Research Vessels. They will identify the level to which we are already fulfilling our responsibilities and identify those areas where we need to take action. This panel should make recommendations for the type of action needed and whether it should be accomplished by a standing committee like the safety committee, an ad hoc working group, an individual or a contractor.

Crew Compensation Costs
This workgroup will consist primarily of large and intermediate ship operators. They will be looking at the factors that effect the cost of crew compensations and attemping to identify what the norms are for UNOLS Research Vessels and what factors control an institution's ability to stay within the norm. This panel should also consider the effect that various methods of crew compensation, leave and rotation have on the cost and effectiveness of other areas of R/V Management such as maintenance and quality of support for science. A cateloging of the various management approaches and their relative benefits would be useful and should include any new or unique practices such as the crew rotation scheme presented by Dale Gibb last year.

Future R/V needs, Ship layup procedures and planned overhaul/maintenance periods
This workshop should consider the present method of determining layups through the scheduling process. A review of the Lay up procedure generated by RVOC several years ago and consideration of other possible methods should be included. The optimum # of days utilization by class of ship should be reviewed. One proposed method for keeping the operating fleet smaller without permanently getting rid of ships is to have planned and programmed layups of certain ships on a rotating basis so that an operator would know several years in advance when they would be out of service. The merits and problems with this idea, the current procedure and other plans should be discussed and reported. If time and interest permit this panel could also consider the current makeup and distribution of the UNOLS fleet and how well they think it will serve the future needs of marine science. Is there a need for more ships, a reduction in ships, or a redistribution of ships. Do we need new ships and if so of what type and where. Consider the new Artic Icebreaker, the new AGORS and plans for smaller ships such as those at WHOI and the University of Miami.

1115 REPORTS FROM WORKSHOPS (Brief report with follow up during round table) (15 Mins each)

1200 LUNCH BREAK

1300 Wednesday, 27 October 1993
afternoon session
Meeting at Texas A & M Facilities

1300 WRAP UP WORKSHOPS/INTRODUCE AFTERNOON SPEAKERS

Winches:
Presentations- Mike Markey, Jim Stasny (Dynacon) & Dan Miller(Ocean Instruments) These three companies have recently provided winches to UNOLS and Government Research Vessels. They will speak on the latest inovations in winch manufacture. Comments and discussion, reports by operators with new winches

ECDIS and Integrated Bridge Equipment
Reports of any equipment purchases recently made or planned by RVOC members.

Paints
Reports by any RVOC members that have tried new paint systems.

Ship Maintenance and Spare Parts Management Software
Reports by any RVOC members using this type of software.

Routine and Diagnostic Vibration Analysis
Reports by any RVOC members using a service or program for doing routine or diagnostic vibration analysis.

Reports from operators on any other interesting new equipment purchases as time permits, can carry over into Round Table discussion.

0800 Thursday, 28 October 1993
Meeting at Hotel

0800 ROUND TABLE DISCUSSION

- Marine Superintendents will select and discuss topics of mutual interest.

Some items already suggested:

- OPA 90
- ADA
- Responsibility of Chief Scientist
- Crew Compensation
- Ship Layup and maintenance policy
- Pollution and Hazardous Materials matters
- MAS contract
- Automation/Alarm systems
- GMDSS equipment

1100 BUSINESS MEETING

- Assignments to committees, panels and workgroups
- Review of action items pending
- Re-adopt RVOC Charter
- Suggestions for the 1994 Agenda and meeting format, everybody should come to meeting with one idea, preferably in writing. (PLEASE REFER TO WORKSHEET ATTACHED)

NEXT YEAR'S RVOC MEETING

Please use this form before and during the meeting to record any suggestions you may have for next years meeting.

Suggestions for agenda items, workshops or guest speakers

Suggestions for changes or improvements to the meeting format or schedule

Crew Compensation Workshop

In 1992 the operators of the large vessels in the UNOLS fleet met to review the operating costs of these ships. It was apparant from this meeting and noted in subsequent correspondence that the most significant factor contributing to bottom line cost is crew compensation. In a letter report generated by this meeting the point was made that-

> "There already exists a forum in which a great deal of information - trading takes place in an ongoing fashion. This is the RVOC... RVOC should be encouraged to carry on, discussing new ideas about cost saving techniques that might benefit the entire fleet."

In letter dated 11 March 1993 from Don Heinrich to Mike Prince, he has asked that we address crew compensation in terms of "community norms" and "legitmate institutional differences". He further notes that " I believe the broad issues of concern to NSF management are clear-- i.e. equitability, good management practice, etc...". It seems clear that first step in this review is the establishment of the norms and legitimate differences.

To that end we would like all institutions represented at the RVOC to provide the following information and address the questions contained in the appended questionaire. Please fax the completed questionaires to me at 914-359-6817 prior to the meeting. If you are unable to do this it would still be useful if you would turn in your completed forms at the RVOC Meeting.

For institutions operating more than one vessel please complete items 1 and 2 for each vessel. If your responses to the remaining questions vary from ship to ship please distinguish the difference in policy.

For those persons assigned to the work group, you should come prepared to make a presentation on your institution addressing the information in the questionaire.

Regards,

Paul Ljunggren

Crew Compensation Questionaire

1. Based on the figures contained in your 1994 Ship Ops Proposal show the following Crew costs for 1992, 1993, 1994:

Crew Costs

	1992	1993	1994
Salaries	_____	_____	_____
OT/Leave(total)	_____	_____	_____
Fringe	_____	_____	_____
Total cost	_____	_____	_____
Operating Days	_____	_____	_____
Cost/Operating Day	_____	_____	_____

For each of the above years what percentage of the salary is OT/Leave?

_____ _____ _____

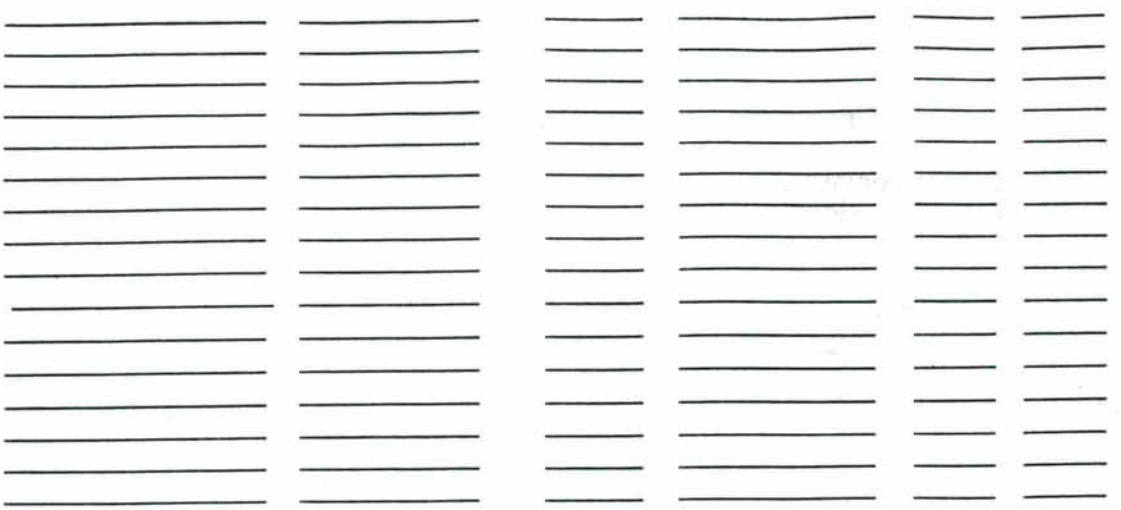
For each of the above years what percentage of the salary line in fringe?

_____ _____ _____

2. Please provide the following information:
-List your crew structure in the first column.
-Required license is the minimum licensing or merchant marine document requirements for the position for example Third Mate Unlimited Gross Tons.
-Number is how many of that type of shipboard position(for example you may have 4 AB's).
-Salaries: refers to the annual salaries you are paying by billet assignment. In the case of more than one person performing the same job list the average pay.
-Overtime is the average overtime earned by that position for a seven day period.
-Sea Pay Bonus just indicate those positions receiving a Sea Pay Bonus.

R/V_____

Position	Required License or Document (e.g. tonnage,hp)	Number	Salary	O/T	Sea Pay Bonus
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____



3. What types of pay increases do your personnel get:

-Annual? _____Yes_____No
-How is the level of annual increase normally established?

-Do personnel receive longevity increases? _____Yes_____No What is the policy?

-Automatic raise in pay as a sea pay bonus? _____Yes_____No How is it determined?

4. Are there other elements which affect the salary line of your budget?_____Yes_____No If yes, what are they ?

5. Overtime:
- Is overtime paid for holidays worked?_____Yes _____No How many holidays?

- How do you plan/project your overtime?

- For each of your positions what is the average overtime earned for a seven day period?

- Do personnel receive other forms of compensation in lieu of overtime?_____Yes _____No If yes, what are the other forms of compensation and who gets it?

6. How is vacation accrued by the various positions on board your vessel? Can vacation be cashed out? _____Yes_____No If so at what ratio?

7. What are the fringe benefits earned by shipboard personnel that must be budgeted for in your Ship Ops Proposal?

If you have a fringe rate set by your institution what is it?____%

8. Are there any other forms of compensation which your crewmembers receive and are not addressed by the above questions? Where is this included in your budget?

9. Do you have a crew rotation policy? If so what is it?

10. What is/are the primary factors which determine your pay and benefits policies(unions, institutional/state requirements, market analysis, Marine Superintendent/Operations Manager)

11. Do you think your pay scale is too high, too low, or just right?

12. If you had no constraints, what would you do to improve your particular crew compensation concerns?

13. What do you think could be done to reduce your overall crew costs, if anything?

14. Can suggest any crew cost saving measures or practices that could be adopted by the UNOLS fleet?

Environmental Issues Workshop Agenda

A. Oil pollution, spill response plans, and OPA 90

1.Overview of OPA 90 and how it may apply to UNOLS vessels.

2.Review of results from oil pollution section of environmental questionnaire.

a. Oil spill response requirements other than OPA 90 (state or regional).

b. UNOLS response to oil spill issues.

-What are UNOLS institutions doing to comply with OPA 90 ?

-Do we need a generic response plan for UNOLS ?

-Should we include an "oil spill" chapter to the Training Manual to cover oil spill response etc. ?

-How are similar non-UNOLS institutions responding to OPA 90 ?

-Should the RVSS be amended to reflect the need for R/V's to carry spill clean up lockers?

B. Hazardous Materials Control Revisited

1. Review of hazmat discussions from previous meetings and status of RVSS relative to this issue.

2. What next?

a.Are there any new hazmat regulations or pertinent developments that might bear on this issue?

b.Have you or your institution encountered problems with hazardous materials, are they universal problems or are they specific, and do you feel action by RVOC/UNOLS could help with a solution?

c.What changes if any has your institution made to the RVSS hazmat section?

C. Garbage Disposal.

1. Review of MARPOL regs.

2. Are there any new questions concerning solid waste disposal at sea?

***Expect a questionaire by E-Mail in the near future.

RVOC WORKSHOP ON FUTURE R/V NEEDS, SHIP LAY-UP AND UTILIZATION

PLEASE PROVIDE THE INFORMATION REQUESTED IN THIS WORK SHEET TO ASSIST IN PREPARING FOR THIS WORKSHOP. IDEALLY YOU WOULD GET THIS TO ME BEFORE THE MEETING BY FAX AT 408-633-4580, OR MAIL TO "MIKE PRINCE, P.O. BOX 450, MOSS LANDING, CA. 95039", OR E-MAIL TO "MLML.SHIPS". IF YOU JUST BRING IT TO THE MEETING THAT WILL BE BETTER THAN NOT DOING IT AT ALL.

THANKS, MIKE

1. PLEASE REVIEW THE "RVOC POSITION PAPER ON SHIP LAY-UPS" DATED OCT. 19, 1987. (IN THE NEWSLETTER) RECORD ANY COMMENTS ABOUT SUGGESTED CHANGES, HOW IT HAS WORKED, ETC. BELOW OR ON A SEPARATE SHEET.

2. FOR EACH OF YOUR VESSELS CALCULATE WHAT WOULD BE A MINIMUM OPERATING YEAR, A MAXIMUM OPERATING YEAR AND AN OPTIMUM OPERATING YEAR. INCLUDE ANY COMMENTS THAT WOULD BE HELPFUL IN EXPLAINING YOUR NUMBERS.

RESEARCH VESSEL	MIN. # DAYS	OPTIMUM # DAYS	MAX # DAYS
R/V			
R/V			
R/V			

3. FOR EACH OF YOUR VESSELS PLEASE CALCULATE AN APPROXIMATE BUDGET FOR EACH OF THE ABOVE OPERATING YEARS.

RESEARCH VESSEL	MIN. # DAYS	OPTIMUM # DAYS	MAX # DAYS
R/V			
R/V			
R/V			

4. IF YOU HAD TO LAY UP YOUR VESSEL FOR A YEAR WHAT LEVEL OF BUDGET WOULD YOU NEED TO MAINTAIN YOUR VESSEL AND OPERATIONS SUCH THAT YOU WOULD BE COMPLETELY READY TO GO BACK INTO SERVICE THE FOLLOWING YEAR?

5. HOW MUCH TIME DO YOU CONSIDER A MINIMUM TO PLAN FOR A LAY-UP YEAR?

RVOC WORKSHOP ON FUTURE R/V NEEDS, SHIP LAY-UP AND UTILIZATION

THE FOLLOWING QUESTIONS ARE FOOD FOR THOUGHT AND COMMENT. I WOULD APPRECIATE ANY WRITTEN COMMENTS ON THESE QUESTIONS THAT YOU WANT TO FORWARD PRIOR TO THE MEETING AND WORKSHOP. OTHERWISE YOU CAN JUST CONSIDER THESE QUESTIONS FOR DISCUSSION DURING THE WORKSHOP.

6. HOW CAN OVERHAUL AND UPGRADE PERIODS BE CO-ORDINATED WITH LAY-UPS OR CAN THEY BE AT ALL?

7. LAY UP DECISIONS ARE CURRENTLY DRIVEN BY THE SCHEDULING PROCESS OR BY PLANNED MAJOR OVERHAULS AS IN THE CASE OF THE KNORR/MELVILLE AND OCEANUS CLASS VESSELS. IN SOME CASES VESSELS ALREADY SCHEDULED TO BE OUT OF SERVICE FOR MID LIFE OVERHAULS HAVE HAD THAT TIME PERIOD EXTENDED TO ACCOMMODATE SCHEDULE DRIVEN LAY UP NEEDS. IS THERE ANY PRACTICAL WAY TO FORMULATE A LONG RANGE SCHEDULE OF VESSELS TO BE TAKEN OUT OF SERVICE SUCH THAT THE SIZE OF THE FLEET IS EFFECTIVELY REDUCED AND MAJOR OVERHAUL IS PROPERLY PLANNED?

8. CAN A SYSTEM BE SET UP TO ROTATE VESSELS TO GEOGRAPHIC AREAS OF THE MOST NEED OR TO COVER FOR VESSELS OUT OF SERVICE DUE TO OVERHAUL?

9. HOW WELL WILL THE CURRENT MIX OF RESEARCH VESSELS MEET THE FUTURE NEEDS OF MARINE SCIENCE? DOES THERE NEED TO BE MORE VESSELS, FEWER VESSELS OR JUST A REDISTRIBUTION OF THE CURRENT VESSELS? DOES THE NUMBER AND DISTRIBUTION OF VESSELS NEED TO BE MANAGED ANY MORE THAN IT IS NOW? IF SO, BY WHOM?

10. DO WE NEED TO RE-WRITE THE RVOC POSITION ON SHIP LAY UP PROCEDURES? ARE THE OPTIMUM NUMBER OF DAYS (CLASS I/II - 270, CLASS III - 250, CLASS IV - 220) STILL VALID?

11. IS THE CURRENT METHODS OF DETERMINING OPERATING DAYS VALID? SPECIFICALLY ARE ALL DAYS IN A FOREIGN PORT OPERATIONAL DAYS AND SHOULD ALL DAYS IN HOME PORT BE EXCLUDED? CAN A DEFINITION THAT CONSIDERS WHETHER OR NOT THE SHIP IS DIRECTLY SUPPORTING A SPECIFIC PROJECT BE DEVISED? THE IMPACT OF THIS DEFINITION IS THAT THOSE VESSELS THAT HAVE A LOT OF SHORT CRUISES IN AND OUT OF THEIR HOME PORT SPEND MANY DAYS IN DIRECT SUPPORT OF SCIENCE PROJECTS (LOADING AND UNLOADING) THAT ARE

NOT REFLECTED IN THE DAYS THAT CAN BE CHARGED OR CONSIDERED WHEN MAKING DECISIONS ABOUT UTILIZATION.

RESEARCH VESSEL OPERATORS' COUNCIL

RVOC OFFICE
University of Rhode Island
P.O. Box 145
Saunderstown, R.I. 02834

Oct. 19, 1987

Dr. George H. Keller
Chairman UNOLS
Oregon State University
Research Office
Corvallis, OR 97331-2135

Dear George:

In your letter of 9 December 1986 you requested that RVOC develop a position paper on ship lay-ups. The following is that paper which has received the endorsement of the full RVOC at our meeting in New Hampshire 12-14 October 1987.

We believe that lay-ups will be a way of life for ship operators for the forseeable future. This is partly the nature of the business because of the need to maintain a complete inventory of oceanographic vessels with different capabilities and the inherent mismatch of funding and hull availability. Recent history suggests that science has not been left ashore for want of a research vessel and that one to two ship years of ship time can not be funded annually. The types and sizes of ships which come up short of science seems to change to some extent from one year to the next. The focus of science to different geographic areas also changes. Ship mobility can often compensate for this but not always. Some years ships with special capabilities (such as Seabeam) are overworked while other years specialized ships and/or equipment go unused.

An optimum number of operating days for the various size vessels has been developed. This optimum number provides the best mix of operating days and maintenance days for the most cost effective ship operations. We believe that an effort should be made to maintain an optimum number of operating days on all "fully" utilized ships. Our operating experience suggests that this optimum number is as follows:

Class I & II	270 Days
Class III	250 Days
Class IV	220 Days

(Note: Smaller ships and Class IV ships for which some operational constraints apply, such as many short cruises in a given year, may be exempted from the minimum day rule.)

These numbers seem to balance dollar inflow with operating patterns and adequate maintenance time.

Ship's schedules which have significantly fewer days than the optimum are candidates for lay-up. What constitutes "significantly fewer days" is an arbritrary number, however, 80% of the optimum would seem to be a reasonable working figure.

Lay-ups are only effective if funds can be saved. It is believed that anything less than three months is not a lay-up but an extended inport period. Ship lay-ups in excess of 12-14 months (cold lay ups) create another problem and that is major start up costs. This paper will only address lay-ups of more than three months but less than fourteen. This we call a "warm" lay-up. Cost savings increase with months of lay-up to the point of becoming a cold lay-up.

The management of the lay-up must vary with the monies available. There are fixed costs of approximately one third the total annual operating cost which must remain. This includes insurance, security and shore staff. Approximately a third of the costs can be saved outright such as fuel, travel and food. The variable cost savings is in the middle third and is made up of crew costs, maintenance and supplies. Managers vary in their approach to this middle third. Some would prefer to keep as many of the crew in tact and perform maintenance in house. The other approach is laying off the crew and contracting out maintenance work. In any case all or a portion of this middle third is highly desirable for preserving the integrity of the ship.

During the life cycle of a research vessel periods of major overhaul or refit are necessary. If a vessel has an expected life of thirty years it could logically have a mid life refit at about the 15-18 year time frame. With the advances in science and science equipment a major science refitting might be expected every 10 years or at the 10 and 20 year time. This suggests at least three major down periods might be expected in a ship's life cycle. These down periods could be worked into the lay-up planning.

Besides the major refits above, ships can use a rest for general maintenance. This could be a welcome respite from extended operations or a down time needed to repair or replace equipment. If maintenance money was made available for lay-ups they would become less distasteful and even welcomed.

Lay-ups have been traumatic partly because of the short notice given. This causes turmoil with the crew and prevents orderly maintenance planning. Learning of a lay-up in October for the following calendar year is not adequate warning. This has been known to be a problem for some time. In 1986 it was agreed that the lay-up decision would be made in July. In fact the decision came in October as in the past. The uncertainty of funded cruises plays a major part in this delay. Operators hang on in hopes that the August panel will provide funding for a goodly number of their cruises. In most cases this does not happen. The signs are normally clear in mid-summer with maybe 10-20% of cruises unfunded. This would suggest that ships with schedules including 60% or less of funded cruises will not likely "get well" with the August panel results.

Coupled with the short notice given is the long lead time necessary to properly engineer major repair work and then go through the full proposal process with its peer review. If this process does not start until October it is reasonable to expect that funding can not be made available until July or August of the lay-up year. Then it becomes difficult to get the work completed in the remaining time. Some of this time line can be shortened by advance planning. If all ships were encouraged to do advance engineering studies on a long range work package significant time could be saved. These work packages could also be reviewed by the ABSTECH or INSURV inspections. This process would assist the funding agencies with their priorities and probably cull out some of the plans. It could also streamline the proposal review procedure. Another idea to streamline the review process is to establish a review team for on site review. It would seem that any speed up in receiving upgrade money would be beneficial.

We believe the lay-up decision should be made based on an open forum discussion using logical criteria. The principal candidates in lay-up should be given the first opportunity to resolve the issue. If there were some assurances that upgrade funding would be made available it is likely that prospective lay-up operators would be willing to volunteer for lay-up.

The following procedures towards lay-ups are recommended:

Yr-15 mos 1) All institutions should be encouraged to establish a prioritized upgrade plan that has completed at least preliminary engineering.

Yr-12 mos 2) ABSTECH and/or INSURV should review these upgrades and make recommendations as to the viability of each item, possibly prioritizing the upgrade list.

Yr-8mos 3) Funding agencies advise the community as early as possible (Apr-Jun) as to the number of ship days that will be funded. The short fall can then be calculated.

Yr-6mos 4) Funding agencies pledge maintenance or upgrade funds for lay-up ships prior to 1 July.

Yr-6mos 5) Ships with light schedules in July become designated candidates for lay-ups. The following formula would apply:

Total Funded cruises scheduled	=	F
Total proposed but unfunded cruises scheduled	=	P
Optimum Days	=	0

$F + .33P \geq .8 \times 0$

This presupposes that only 1/3 of the unfunded cruises, in July, will be funded by the August panel.

Optimum days are:

Class I & II	270
Class III	250
Class IV	220

(See note on Page 2 about smaller ships)

Yr-6mos 6) Operators are now given an opportunity to volunteer for a lay-up.

Yr-6mos 7) Those operators in the lay-up candidate category now get together, without outside assistance, to attempt to resolve the ship day shortfall.

Yr-5mos 8) Chairperson of the East and West Coast scheduling groups plus the funding agencies resolve shortfall unanswered by 6 and 7 above.

4yr-4mos 9) Lay-up operator will circulate to active operators the resumes/vitae of all marine personnel who cannot be supported under anticipated lay-up funding. Active operators will make every reasonable effort to place these laid off personnel when vacancies occur and will co-operate in enabling them to return to the laid up operator when that vessel re-enters service.

Sincerely,

Jack

John F. Bash
Chairman RVOC

UNIVERSITY-NATIONAL OCEANOGRAPHIC LABORATORY SYSTEM

An association of Institutions
for the coordination and support
of university oceanographic facilities

September 30 1988

To: RVOC

Subject: Ship Lay-up and Maintenance Policy

The Chairman of UNOLS has asked the Advisory Council to review the Ship Lay-up Policy which RVOC developed at its last meeting. An ad-hoc Committee constituted as shown in the attached letter of July 19th is reviewing available information in order to report to the next Advisory Council meeting.

The RVOC Policy was circulated to UNOLS and generally received highly favorable reactions. There were, however, disappointly few written responses. What has been received to date is attached. Another circular is going out to UNOLS Members requesting comments.

I have asked Jack Bash to convene a working group at the forthcoming RVOC Meeting to go over these responses and determine what effect any of them might have on the existing policy draft. Special attention should be given to the following considerations:

1. What if either, or both, of RVOC Steps #2 and #4 were not available?

2. Should the "optimum" number of days be amemded?

3. Should a formal "Long-Range" layup/refit plan be established UNOLS wide?

4. Noting that at the July scheduling meeting, 17 of 24 Class II, III, and IV ships were lay-up candidates under the RVOC Policy, is Step #7 realistic?

5. Is Step #8 the <u>final</u> decision making process? Is it in "Open Forum"? Is there an appeal?

6. Other Considerations?

Jack has been asked to collect the comments of RVOC on the above for inclusion in a report to the Advisory Council.

Bob Dinsmore

R. P. Dinsmore

UNIVERSITY-NATIONAL OCEANOGRAPHIC LABORATORY SYSTEM

An association of Institutions
for the coordination and support
of university oceanographic facilities

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July 19, 1988

Jack Bash
Bob Dinsmore
Tom Malone
George Shor

Dear Jack, Bob, Tom and George:

Thank you for being willing to serve on an Ad Hoc Committee to provide a follow-up review of the RVOC White Paper dealing with Vessel Lay-ups and Maintenance. The RVOC put a fine effort forward on this issue, certainly better than we have seen before. Criteria for defining an effective schedule is very important. The formula in the White Paper has already been put to use by NSF, but can certainly use some refinement. Although comments on the RVOC White Paper were solicited from the UNOLS community, very few responded. There were, however, a number of important comments from Don Heinrichs and Keith Kaulum. I have enclosed here the original White Paper and the four sets of comments that were received.

There are obviously a good number of variables in dealing with this issue, with some of the major ones like federal commitment of maintenance funds being a tough nut to crack. It would be helpful to look at the expected life of the ships in the fleet and the prescribed rehab times as one point of reference to work from. Clearly, any proposed lay-up and maintenance plan needs to couple in the long-term perspective of the fleet. I am hopeful that with some serious effort and imagination an effective guide can be developed.

I have asked Bob Dinsmore to chair this committee, and he will take it from here. There are funds in the UNOL's office for you to hold a meeting if that is your wish.

I would like to have your recommendation in hand for the October meeting of the Advisory Council. Again, thank you for your assistance. I appreciate it very much.

Regards,

George

George H. Keller
Chairman

ms
Enc
xc: W. Barbee
A. Maxwell

Clippings
and
Miscellaneous Enclosures

ANNEX III
TO THE CHARTER

Research Vessel Operators' Committee

1. **The Research Vessel Operators' Committee (RVOC),** having been established and operative since 1962, and having interests and goals in common with UNOLS, is, by mutual consent of both organizations, made part of the University-National Oceanographic System. The RVOC functions as a UNOLS Committee.

2. **The purpose of the Research Vessel Operators' Committee** is to promote cooperation among the marine science research and educational institutions and to represent their interests in the areas of marine operations, governmental regulations, labor relations and public relations as these areas affect their research fleets.

3. **The Research Vessel Operator's Committee elects its own officers.** The Chair and Vice Chair of the RVOC are elected from among marine superintendents (or equivalent) at UNOLS operator institutions. The RVOC Chair is appointed by the UNOLS Chair as an ex officio member of the UNOLS Council.

4. **Membership in the RVOC** is based on representation from UNOLS Operator institutions. Membership is also open to all UNOLS institutions or non-UNOLS institutions who operate research vessels for purposes similar to UNOLS', and in accordance with RVOC by-laws. Each UNOLS Operator institution shall designate a representative to RVOC. Institutions other than operators may designate representatives in accordance with RVOC by-laws.

5. **The Research Vessel Operators' Committee shall enact its own by-laws.**

6. **The Research Vessel Operators' Committee shall prepare a report of** its activities for the annual UNOLS meeting.

Approved and adopted:	May 16, 1974, Washington, DC
Readopted:	May 13, 1977, Washington, DC
Readopted:	Oct 21, 1981, Washington, DC
Readopted:	May 25, 1984, Washington, DC
Readopted:	Oct 23, 1987, Washington, DC
Revised and readopted:	Oct 28, 1988, Washington, DC
Amended and readopted:	Sep 15, 1989, Washington, DC

DATE: July 2, 1993

TO: RVOC Marine Operators

FROM: Jack Bash

SUBJECT: Medical Advisory Service Contract

The three year contract with MAS will expire next year. It is time now to look at the old contract to see if it needs changed, deleting or adding items. Please read it carefully and send me your comments. I would also like to know if there are services in the contract that were not given (ie. did MAS do what it was suppose to do?).

There appears to be at least two other creditable bidders for next year. I understand that only MAS has a doctor on duty 24 hours while the other two use emergency rooms or beepers for the doctor support. The on duty doctor is more expensive. Is the added service, safety, worth an additional cost?

Please send me your comments. I will summarize them and we can discuss the contract at the Galveston RVOC meeting.

Encl.: RFQ
cc: Dick West

Request for Quotation - CR 84390

This solicitation is a Request for Quotation (RFQ) to provide medical advisory services to the University National Oceanographic Laboratory System (UNOLS) fleet as delientiated below and in the attached "Scope of Work".

The UNOLS fleet consists of 28 ships representing 803 bunks (crew and scientists). These ships are operated by academic and national oceanographic institutions throughout the United States and conduct operations throughout the oceans of the world.

The initial contract duration will be for one year commencing 1 July 1991. The term of this agreement may, at the option of the University, be extended by one (1) year increments for a total of three (3) years, provided written notice of each extension shall be given to the contractor at least thirty (30) days prior to the expiration date of such initial term or extension.

Vendor must provide a brief description, certifying their capability of each service listed below (see Scope of Work, A-I):

A. Telecommunication Facility
B. Medical Response Team
C. Medical Protocol
D. Medical Evacuation Coordination
E. Follow-up Care
F. Medical Records Review, Storage & Retrieval
G. Medical Incident and Annual Reports
H. Inventory Records System
I. Annual Medical Incident Drills.

Vendor must provide a cost schedule for support services not covered by the subscription, e.g. training courses for shipboard personnel, to be arranged by agreement between the individual ship and vendor.

Vendor must provide the names, contact persons and telephone numbers of at least three clients for whom Vendor has provided medical services of similar scope, size and circumstance.

Any exceptions taken to the specifications must be clearly stated by the Vendor on the bid.

The University reserves the right to refuse any and all bids.

Medical Advisory Service for Ships in the UNOLS Fleet

Scope of Work

Introduction

We are requesting a medical advisory service for the twenty seven research vessels that make up the UNOLS fleet, and the POLAR DUKE, operated by contract for the National Science Foundation's Division of Polar Programs. We hope to subscribe to a service that provides, for each of the twenty eight ships, use of the medical advisory service as described below at a fixed annual rate.

The subscription agreement would be for medical advisory service at sea, health records and histories review and storage system, advice on shipboard pharmaceuticals and medical supplies, medical evacuation coordination and assistance, and consultation services for follow-up and shoreside medical care. In addition, while not a part of this contract, the organization providing the medical advisory service must be able to offer a set of supporting medical services (available by agreement between the provider of medical advisory service and the individual ship operating institutions subscribing to the service). These supporting services include: training to qualify shipboard personnel in the medical protocol underlying the advisory service and for the on-hand medical care necessary; assistance in purchase and inventory control of shipboard pharmaceuticals and medical supplies; advice on the selection of and assistance in arranging for medical facilities (e.g., clinics or hospitals) for shoreside medical care, either follow-up care to medical incidents at sea or routine medical care such as pre-employment physicals, routine physicals, preventive medical care, etc.; and consultation and advice on standards of physical fitness for sea duty, and shipboard environmental/occupational health.

UNOLS and the UNOLS Fleet.

UNOLS is an association of universities and research institutions who conduct programs in oceanographic research and operate research vessels in support of those programs. There are eighteen institutions operating ships, and, in addition Antarctic Support Association operates a research vessel also to be covered by this agreement (see attached List of Research Vessels Operated by UNOLS Institutions).

The fleet of ships to be covered includes twenty five UNOLS ships (see list) and the POLAR DUKE for a total of twenty six ships.

The ships are staffed by operating crews of from 2 to 27 each, with a fleet total of 327 crew (see list). These crew members are employees of the institution operating the individual ships, are usually permanent, and typically stay aboard a ship for a year or more. As determined by the policies for crew of the operating institutions, pre-employment and periodic physicals may be required and health records/histories are maintained. In addition to operating crew, each vessel embarks from 6 to 29 scientific personnel, with a fleet total of 476. Typically,

c. A medical protocol must be established documented and provided to each institution/ship covered. This protocol will provide for means to garner and make available during medical incidents the medical records/history of the individual under care, a systematic dialogue for reporting, responding to and treating medical incidents, points of reference for deciding on medical evacuation or diversion, provisions for follow-up care ashore and provision for documenting and reporting medical incidents. Manuals and/or video tapes to document and demonstrate the protocol will be furnished, one to each institution covered and one to each ship covered (a total of 45 copies).

d. Medical evacuation coordination and assistance will be provided as necessary in connection with medical incidents. This service should consist of contact with rescue organizations, government authorities, medical facilities, etc., to coordinate and advise on evacuation and facilities for shoreside follow-up care. Direct costs for evacuation and follow-up care are not a part of this contract.

e. Follow-up medical care (and in some instance, routine medical care) may be required at any port in the world. Bidders should have contacts such that they can advise on the capabilities of medical facilities worldwide, and have provisions to monitor follow-up care both to assure its quality and to garner records of care for medical histories and to document treatment for reports. Costs for follow-up care ashore are not covered in this order.

f. Bidders should offer a medical records review, storage and retrieval system for ship personnel. Records provided routinely should be reviewed to identify and advise on potential or existing medical problems. Routine medical records/histories and records from medical incidents must be available during incidents to aid in medical response, and they, together with records from follow-up care must be incorporated into the records system and used in reporting medical incidents.

g. Each medical incident will be thoroughly documented, reviewed and signed by the responsible physician and reported to the institution on whose ship the incident occured. In addition, annual reports will be made summarizing medical incidents/responses, as follows:

- For the entire fleet, to the UNOLS Office
- For individual ships, to the operating institution.

These summary reports will not include names of individuals, but will characterize incidents by type of illness or injury, response made and disposition.

h. A pharmaceutical/medical supplies inventory records system will be provided to each ship covered. Materials in the inventory

designated company official within thirty (30) days of case closure.

3. Annual (Calendar Year) Statistical Report

An annual statistical report of the number of incidents, type, and duties of personnel involved, will be provided during the 1st quarter of the next calendar year, to the operating institution, for individual ships and to UNOLS Office for the entire fleet.

UNIVERSITY-NATIONAL OCEANOGRAHIC LABORATORY SYSTEM

An association of institutions
For the coordination and support
of university oceanographic facilities

UNOLS Office
P.O. Box 392
Saunderstown, R.I. 02874

CAPTAIN'S POST CRUISE REPORT

1. Cruise, Expedition, Leg No., and/or Project Name: _____

2. Dates of Cruise: _____ Length: _____ days _____ miles

3. Captain's Name: _____
   Sr Tech's Name: _____

4. PI/SIC: _____

5. Ship: _____
   Operating Institution: _____

6. Areas of Operation: _____

7. General Type of Work: _____

8. In Captain's and Senior Technician's judgement, were published operational objectives of shipboard phase of project achieved? ❑ Yes ❑ No

   If not, what were the factors involved?

   Ship's propulsion _____
   Electric power _____
   Crew _____
   Techs _____
   Scientific party and equipment _____
   Ship's scientific equipment _____
   Other _____

9. Work days lost due to weather: _____
   Work days lost due to ship's crew: _____
   Work days lost due to Scientific equipment: _____

10. Organization of scientific party (planning, use of time, making needs known in advance, sufficient people, etc.)

    Excellent *Good* *Average* *Below Average* *Very Poor*

11. Did Chief Scientist have reasonable expectations for the ship? ❑ Yes ❑ No

12. Did Chief Scientist have reasonable expectations for the cruise? ❑ Yes ❑ No

13. Communications/liaison between scientific party and techs/crew:

    Excellent *Good* *Average* *Below Average* *Very poor*

14. Date that safety briefing was conducted for scientific party and crew: _____/_____/_____/

15. List safety related problems recommended for follow-up:

    _____
    _____

16. Comments by both Captain and Senior Technician are encouraged. (Details of problems, suggestions; and praise where applicable).

    _____
    _____
    _____
    _____

Please forward this form to the UNOLS office via the operating institution's Marine Office. These evaluations will be used to assist operating institutions and funding agencies in their efforts to improve the quality of research vessel operations.

CAPTAIN'S POST CRUISE REPORT SUMMARY

This will be the first summary of the Captain's Post Cruise Reports and is subject to format change as comments are received. The report was not made mandatory but seems to have been used in a large percent of the cruises.

It may be appropriate to re-look at the questions in the form to get more meaningful information. It appears the form is used by Captains to let their Marine Offices know of things they see as important. This may be a secondary use but also valuable. A copy of the form is appended to identify the categories below. The questions 11 and 12 were not included in this report since all of the responses save one were answered yes.

SHIP (Total Cruises)	CRUISE REPORTS RECEIVED	OBJECTIVES MET		ORGANIZATION					COMMUNICATION				
		YES	NO	E	G	A	B	P	E	G	A	B	P
MELVILLE (8)	1	1	0	1	0	0	0	0	1	0	0	0	0
KNORR (8)	8	8	0	5	2	0	0	0	5	2	1	0	0
ATLANTIS II(10)	12	10	0	0	6	0	0	0	0	5	1	0	0
EWING (7)	7	7	0	3	3	0	1	0	3	3	1	0	0
THOMPSON (10)	7	7	0	3	4	0	0	0	3	4	0	0	0
WASHINGTON (5)	2	2	0	1	0	1	0	0	1	0	1	0	0
MOANA WAVE (18)	18	14	4	1	9	6	2	0	3	9	5	1	0
EDWIN LINK (18)	17	17	0	10	6	1	0	0	9	6	0	0	0
ENDEAVOR (12)	9	8	1	4	2	2	1	0	4	2	2	1	0
OCEANUS (12)	12	12	0	4	8	0	0	0	8	4	0	0	0
GYRE (14)	14	14	0	11	3	0	0	0	11	3	0	0	0
COLUMBUS ISELIN (10)	5	5	0	3	1	1	0	0	4	1	1	0	0
NEW HORIZON (20)	18	17	1	2	8	8	0	0	2	6	10	0	0
SEWARD JOHNSON (15)	15	15	0	8	5	1	0	0	9	6	0	0	0
WECOMA (17)	17	16	1	1	6	7	2	0	3	8	5	1	0
PELICAN (26)	3	3	0	2	1	0	0	0	2	1	0	0	0
LONGHORN (15)	2	2	0	2	0	0	0	0	2	0	0	0	0
POINT SUR (42)	40	39	0	13	21	6	0	0	10	26	2	1	0
CAPE HATTERAS (18)	18	16	2	5	7	5	0	0	7	8	3	0	0
ALPHA HELIX (7)	4	4	0	1	3	0	0	0	0	3	1	0	0
SPROUL (23)	23	22	1	7	9	5	0	2	9	11	1	1	1
CAPE HENLOPEN (31)	None Submitted												
WEATHERBIRD II (61)	49	44	5	14	23	11	0	0	15	22	10	1	0
BLUE FIN (62)	48	46	2	9	7	29	2	1	8	13	27	0	0
LAURENTIAN (14)	14	14	0	11	2	1	0	0	11	3	0	0	0
BARNES (52)	1	1	0	1	0	0	0	0	1	0	0	0	0
CALANUS (13)	6	5	1	4	2	0	0	0	3	3	0	0	0
	370	349	18	26	138	84	8	3	134	149	70	6	1

KEY: E = Excellent
G = Good
A = Average
B = Below Average
P = Very Poor

CAPTAIN'S POST CRUISE REPORT COMMENTS

MELVILLE - MELVILLE'S captain submitted only one assessment report for the year. This report praised the science party.

KNORR - KNORR Captains used this report to remark about problems with the ship including the stern pounding and noise in the lab. Their comments also remarked about the working relationships with the science party. In one report the captain spoke of poor communication between the science party and the crew/techs and another of a long and grueling cruise.

ATLANTIS II - The comments for the twelve cruises reported by ATLANTIS II were very brief but spoke of electrical problems on five separate occasions. Four comments were that all went well with the cruise.

EWING - The EWING's comments were a short critique of each of the six cruises reported including both positive and problem areas. Two safety issues were noted.

THOMPSON - Comments from THOMPSON's Captain related to safety issues in six of the seven reports. Communication problems were cited three times.

WASHINGTON - The two reports from WASHINGTON addressed science problems, one with streamer damage and the other not planning for adverse weather.

MOANA WAVE - Four of the eighteen reports from MOANA WAVE dealt with safety issues as related to the science party. The other comments referred to science party activity citing both positive and constructive events.

EDWIN LINK - The EDWIN LINK's Captain chose to make remarks on only two of the seventeen reports. One was critical of the science party for lack of advanced planning and the other related to lost time due to Hurricane Andrew.

ENDEAVOR - Six of the nine reports from ENDEAVOR'S Captain were "at-a-boys". One of these also cited a collapsed tow boom assembly. One report referred to science being executed on a moment to moment basis with this cruise being rated below average for both organization and communications.

OCEANUS - The comments from OCEANUS' Captain were brief but addressed both "well done" and corrective remarks citing one safety problem and referring to the sewage vent problem twice.

GYRE - GYRE'S Captain made safety comments on nine of the fourteen reports. Most of the safety issues referred to the science party not wearing life jackets or the proper clothing. Five safety comments related to saltwater piping, firemain and fire nozzle problems. Most comments also included a "well done".

ISELIN - ISELIN reports numbered nine. Two of these were safety issues and one referred to a science party that was too small to safely do the work.

NEW HORIZON - Only four of the eighteen reports from NEW HORIZON'S Captain contained remark. Two of these were kudos, one referred to work vests not being worn and the forth referred to an air compressor malfunction.

SEWARD JOHNSON - Brief comments were made on eight of the fifteen reports submitted by the Captain of SEWARD JOHNSON. Six of these reports were "well done" comments, one made reference to disembarking the cook and one was a safety issue with respect to the J-frame.

WECOMA - Eighteen reports were submitted from the WECOMA'S Captains. Brief comments were included on ten of these with one referring to a safety issue in connection with the CTD operation. Five reports were "well done" remarks while one referred to a need for better pre-cruise planning by the science party.

PELICAN - Only three reports were submitted by the Captain of PELICAN. Two of these reports were kudos and one made reference to a distilled water problem with the science party.

LONGHORN - The two reports from LONGHORN included comments in praise of the science party.

POINT SUR - Forty reports were received from the POINT SUR. Comments were included on twenty two of these reports, sixteen of which were a "well done" to the science party. Two safety issues were indicated, one relating to checking out equipment and the second with the handling of hazardous material. Two comments dealt with communications problems between the science party and crew and three with organizational problems of the science party.

CAPE HATTERAS - Eighteen reports were submitted by CAPE HATTERAS with only four of them containing comments. One of these comments was a "well done" for the science party and the remaining three referred to problems with scientific equipment.

ALPHA HELIX - The ALPHA HELIX Captain provide four reports. One report commented on the need for firearms when near polar bears. Three comments referred to difficult operating conditions and one was a "well done" for the science party.

SPROUL - Twenty three reports were made available by the Captain of SPROUL. All but one of these reports contained comments and most of these were praise for the science party. Two safety comments were made, one referring to the fouling of a ROV umbilical in the props and the second with the operation of the winch while deploying equipment. One of the cruises was graded poor for both organization and communications and another was graded below average for communications and poor for organization.

CAPE HENLOPEN - No reports were submitted.

WEATHERBIRD II - A total of forty-nine reports were submitted by the Captain's of WEATHERBIRD II. Comments were included on thirteen of these reports. Four of these comments were safety issues, CTD wire running across the deck, RAD van needs new floor, proper footwear for science party and the need for a firm support for the boom. Five comments were a "well done" to the science party, three referred to equipment problems and one comment referred to a communication problem between the science party and the crew.

BLUE FIN - BLUE FIN completed forty-eight Captain's assessments reports for the year of 1992. Twenty nine brief comments were included in these reports. Seven of these comments made reference to a drive train problem on the ship. Positive comments were made for fifteen of the cruises usually, "cruise went well". Equipment problems were the subject of two reports and bad weather for three.

LAURENTIAN - All fourteen of the LAURENTIAN cruises included a Captain's assessment report. Only two comment were included on these reports and they referred to a good cruise.

BARNES - Only one Captain's assessment report was submitted by the BARNES' Captain. This report contained the brief comment " 6 hour cruise".

CALANUS - Six reports were received from CALANUS. Four comments were included of which three referred to excellent cruises. One comment reported poor post cruise clean up by the science party.

DRAFT

THE FUTURE VESSEL AND FACILITY NEEDS OF COASTAL MARINE SCIENCE

UNOLS COASTAL OCEANOGRAPHY SUBCOMMITTEE

and 75 Workshop Participants

ABSTRACT

In 1991, the Fleet Improvement Committee (FIC) of UNOLS established a subcommittee to review the needs by coastal marine scientists for vessels and related field research facilities. A workshop was held in Williamsburg, Virginia in February 1993 to address questions concerning coastal research requirements and the facilities for meeting those requirements. Research needs by coastal scientists include the ability to make synoptic observations, to obtain accurate and often prolonged time series measurements, to conduct multidisciplinary studies, and to manage and communicate information effectively. The mix of facilities required to meet these needs varies regionally but includes large ships, small ships and boats, aircraft, satellites, moorings, fixed platforms, and specialized field and shipboard instrumentation.

BACKGROUND

Research activities in the coastal ocean, defined here as embracing estuaries and the entire continental margin, have increased measurably in recent years and are expected to increase dramatically over the coming decade. The National Science Foundation has recently initiated interdisciplinary research programs in coastal oceanography such as: Land-Margin Ecosystem Research (LMER), Global Ocean Ecosystems Dynamics (GLOBEC), and, with joint support from ONR and NOAA, Coastal Ocean Processes (CoOP). In addition to the NSF programs, recent NOAA initiatives include a major Coastal Ocean Program (COP) while the Ecological Research Division of the Department of Energy is supporting interdisciplinary studies of the Dynamics of Continental Margins. Significant shifts in emphasis within the Office of Naval Research toward coastal marine science have recently been announced (7). Additional coastal research activities are in progress or planned by EPA, USGS, MMS, NASA, and the U.S. Army Corps of Engineers. A science plan outlining some broad coastal marine science objectives has been prepared by the CoOP steering committee (2). A similar science plan entitled Land-Ocean Interactions in the Coastal Zone (LOICZ) has been prepared by European scientists under the auspices of IGBP (4).

Recent workshops and related reports have focused, appropriately, on science questions and interdisciplinary program planning (1,2,3,5). Implicit in these discussions and documents is the assumption that sophisticated - and intrinsically expensive - research platforms and other facilities will exist to enable the research objectives to be met. Included are research platforms of various sorts: ships, small boats, aircraft, semi-permanent moorings, and specialized facilities such as the research pier maintained by the U.S. Army Corps of Engineers at Duck, North Carolina.

In February 1993, a UNOLS-sponsored workshop was held in Williamsburg, Virginia. The purpose of the workshop was: to consider national needs for field research facilities and infrastructure in support of coastal and estuarine marine science. Table 1 lists the working groups and participants. What follows is a summary of the outcome of that workshop.

COASTAL RESEARCH REQUIREMENTS

The specific activities of coastal ocean field research can be broadly grouped into four basic categories: (1) synoptic observations; (2) time series measurements; (3) interdisciplinary studies; and (4) information management and communication.

Synoptic Observations

Synoptic observations are critical to understanding spatial (as opposed to temporal) variability. In the coastal ocean where spatial gradients are steep, synoptic data approximating nearly instantaneous "snapshots" of an entire region are particularly important and are also essential to deciphering time series data. Although remotely-sensed aircraft and satellite data provide the bulk of synoptic data, important roles are also played by rapid sampling from ships and by moored arrays of instruments.

Capabilities for the transmission of data from satellites and moorings to vessels in real time is in need of improvement as are techniques for more rapid, high resolution data collection. Limitations also exist at present with respect to our ability to operate inshore in heavy weather and to carry out simultaneous sampling in support of interdisciplinary studies. Synoptic observations, like other research needs, require more medium sized vessels with shallow drafts but capable of carrying large scientific parties.

Time Series Measurements

Coastal ocean processes vary on time scales ranging from seconds to millennia. Time series studies are required to enable us to understand the forcing functions for many phenomena including changes in productivity and climate. Continuous measurements at specific points are needed to capture short lived events, and multiple samples in a burst mode are needed to deal with both spatial and long-term temporal variability. Expanded time series observations are needed to verify a host of predictive models. To

date, time series studies have tended to rely most heavily on various kinds of moorings; this is likely to continue. Large ships are needed to support the deployment of moorings which, in the coastal ocean, usually need to be fairly closely spaced. These moorings are commonly large and contain numerous sensor packages. In addition to a need for large vessels for setting moorings, there is an ongoing need through the duration of a deployment, for smaller, quick response vessels that can service moorings. Improved ability to telemeter data from moorings to shore or vessels would also greatly improve the value of the data and reduce data loss.

Interdisciplinary Studies

Coastal ocean studies in recent years have become increasingly interdisciplinary in the sense that they involve paradigms, ideas, and field efforts that embrace more than one oceanographic discipline. Interdisciplinary studies are needed to address some of the most compelling coastal research questions including those pertaining to: sources of materials entering the coastal ocean; the processes responsible for biogeochemical cycling and transformation; the health of the coastal ocean with respect to nutrient enrichment; the role of the coastal ocean in global change; and the societal uses of the coastal ocean.

By necessity, interdisciplinary field teams are normally larger than those involved in single-discipline investigations. Interdisciplinary research also necessitates the observation, often at the same time, of multiple parameters using a diversity of instrumentation. Accordingly, vessels must be able to accommodate parties of 16 to 20 scientists, permit simultaneous use of multiple wires, and operate in depths of 7 meters or less.

Information Management and Communication

The expected explosion of data on coastal ocean processes will benefit scientists only insofar as the data are effectively analyzed, managed and communicated. New technology is now making it easier to acquire, store, analyze, manipulate, and exchange coastal data. However, there still exists a need to develop an infrastructure to support information management needs of coastal marine scientists.

Among the specific requirements for information management are: distributed management systems; centers for data synthesis and storage; standardized shipboard protocols to be used on all UNOLS vessels for certain types of data; standard arrays of certain sensors on all UNOLS vessels; improved communication links among vessels, buoys, platforms, satellites, and shore facilities.

SUMMARY OF MAJOR NEEDS

From the foregoing considerations, we may highlight the following list of needs that coastal oceanographic facilities must aim to accommodate.

- More effective data transmission.
- Higher resolution data collection capability.
- Increased ability to operate inshore in heavy weather.
- Increased ability for simultaneous sampling.
- Aircraft, satellites must be used in coordinated program along with vessels.
- Vessels that can accommodate groups of 20 or more scientists.
- Interdisciplinary ships should be able to work in shallow water (< 7 m).
- Sets of routine data must be acquired from all vessels.
- Enhanced communication/data transfer links.
- Regional pools of shared equipment.
- Access to larger vessels by multidisciplinary teams.
- Ability to service very dense station spacing.
- Quick-response vessels needed to service moorings.
- Ability to support multiple wires from anchored vessel.
- Ability to maintain 3-point mooring for prolonged periods.

Meeting these needs will require a mix of large ships, more specialized smaller ships, non-ship platforms such as aircraft, satellites, buoys, and fixed platforms, and field and shipboard instrumentation.

THE ROLE OF LARGE SHIPS

There are important regional differences that influence the use of research vessels in the coastal zone. For example, the West coast of the United States, including Hawaii, has deep water almost directly adjacent to the coast which means that large and intermediate research vessels cover essentially everything up to (and in some cases into) the estuaries. In the Arctic Region ice represents a substantial operational problem that dictates use of an ice capable vessel. At the present time an arctic research vessel is being designed and will probably be constructed in the next several years. The science and operational requirements for this vessel have pushed the current design to greater than 300 feet. It should be capable of studying U.S., Canadian, Soviet and Scandinavian shelves. Both the Gulf and East Coasts have broad shallow continental shelves that present special challenges for sea going assets. The Great Lakes operating conditions are similar to those of the New England coast. If we use 10 meters as a cut off depth for inshore work by large and intermediate research vessels, there is a substantial amount of shelf area that will have to be studied using shallow draft vessels and/or other facilities.

The large ($>$ 250 ft) vessels in the UNOLS fleet are capable of carrying out interdisciplinary studies of the coastal zone to water depths as shallow as 7 meters. The

special characteristics that make the large blue water assets suitable platforms for coastal research include: (1) an ability to accommodate large scientific parties (25 or more); (2) large deck/storage space; (3) considerable laboratory space; (4) capability of handling large arrays; (5) ability to carry specialized vans (isotope/trace metal/organic); and (6) reasonable stability. At the present time, all but one of the large research vessels is recently refurbished or new. In addition, by 1997/98 it is likely that three more large vessels will have been added to the fleet. Although they cannot carry as many scientists and are also more limited in terms of laboratory space, deck space and storage capacity there are six intermediate vessels (ENDEAVOR, COLUMBUS ISELIN, MOANA WAVE, NEW HORIZON, OCEANUS, and WECOMA) that are also capable of working as far shoreward as the 7 meter isobath.

The science mission requirements of future large vessels capable of meeting the needs of coastal marine scientists should include the following: (1) large capacity for scientists, science activities, gear and equipment storage; (2) shallow draught; (3) good sea-keeping ability in storms; (4) improved precision station keeping capabilities; (5) support for multi-wire operations; (6) capability to launch AUVs, ROVs, inshore launches, and moorings; (7) more effective shallow water sampling techniques; (8) reduced endurance requirements; and (9) enhanced ship to shore communications.

THE ROLE OF SMALL RESEARCH VESSELS

The high cost of large ships combined with their general inability to operate close inshore, particularly over shallow shelves, dictates that coastal oceanographers will continue to have need of smaller vessels. Smaller vessels have the advantage of being shallower draft, having greater maneuverability, generally being able to respond more quickly to event-dependent opportunities, and being less expensive. Because small vessels have limited range and endurance, it was recognized by the working group that it is important to maintain a fleet of regionally-dedicated vessels. The mission requirements vary from region to region as will vessel designs.

Included in the "small vessels" category are day boats for short trips in protected waters (typically less than 80 ft in length) and "small expedition vessels" ranging from 80 to 130 feet in length. The latter are emphasized here. The working group felt that future generations of such vessels should be designed with the aims of (a) keeping the daily cost in the neighborhood of $3,000 or less, (b) accommodating parties of 12 to 20 scientists; (c) having endurances and ranges of one to three weeks and approximately 1200 miles; (d) having drafts under 4 meters (except in Alaska); and (e) possessing underway sea-keeping at sea state 5 to 6.

General scientific capabilities expected of all future vessels in the "small expeditionary" class include: (a) multiple wire deployment; (b) three point moorings and dynamic positioning; (c) mooring deployments of up to 5,000 lbs; (d) support for high resolution bathymetry and side scan; (e) underway flow-through sampling capability; (f) ADCP, sea-soar, and coring capabilities; (g) best available communication systems;

and (h) high quality data acquisition. Three distinct vessel designs considered to provide these capabilities were: (a) a SWATH design; (b) a catamaran; and (c) a shallow-draft, flat bottom design.

THE ROLE OF NON-SHIP OBSERVING PLATFORMS

Given the rigorous requirements for synoptic observations with high spatial resolution and for prolonged time series measurements at many locations, ships alone cannot serve the full spectrum of needs of coastal oceanographers. Complementary and essential are other types of research platforms including aircraft, satellites, moorings, and fixed platforms. Without such platforms it would be impossible to obtain truly synoptic data or very long-term time series. These platforms also facilitate the acquisition of data during extreme storm events when most vessels are ineffective.

Existing satellites are able to provide estimates of AVHRR sea surface temperature at four hour intervals with a "footprint" of 1.4 km, surface winds twice a day, and optical imagery at resolutions under 2 km. Satellites to be launched in the near future (one to five years) include: SeaWiFS in late 1993, which will provide 1 km resolution LAC of ocean color with a two-day repeat orbit(6); ADEOS in 1995, which will have the NSCAT scatterometer with 25 km footprint resolution; and the follow-on Geosat altimetric mission, with a 17-day exact repeat orbit and approximately 40 cm vertical accuracy in sea surface height; the Geosat also provides local winds. SeaWiFS will provide information on biogenic activity and its variability within a dynamic coastal domain. EOS-Color will succeed SeaWiFS in 1998, which is also the year of first launch for the EOS platforms. The Canadian RADARSAT mission will be launched in 1995, and will provide synthetic aperture radar imagery of primarily arctic but all coastal regions; these data will provide high resolution (order of 20 m) imagery of surface current patterns, roughness, and wind stress.

Airborne platforms including airplanes, blimps, and remotely piloted vehicles (RPVs) are likely to play much more important roles in coastal oceanography than is the case for deep sea oceanography. This is attributable in part to the fact that, on average, coastal waters tend to be cloudier than the deep sea, thereby inhibiting satellite-borne infrared and visible sensors, and in part to the need for much higher resolution to resolve small-scale spatial gradients. Blimps provide the special advantage of being able to sample with extremely high spatial resolutions owing to the slow speeds of these vehicles. Remotely-piloted vehicles will, in future, offer increased utility for coastal applications; they can fly at elevations as low as 5 meters above the surface carrying payloads of 200 kg.

Currently-available surface platforms include moored and drifting buoys, piers, and hovercraft type vehicles. Moored and drifting buoys have been used extensively by the oceanographic community. Noteworthy is the "spar" buoy. Its open and stable structure with enormous power capacity allows the design of integrated aerosol, gas, and heat flux profile data bases in the atmosphere, and subsurface biology and

chemistry sampling. The aging FLIP is a specialized platform that continues to be needed. Piers represent a platform for long term monitoring of temperature, salinity, and tides, for long term seasonal and climatological monitoring. Their usefulness in studying the short term processes acting in coastal ocean science remains uncertain.

FIELD AND SHIPBOARD INSTRUMENTATION

Effective data collection at sea requires appropriate matching of new generation of seagoing instrumentation and sophisticated platforms to support the instrumentation. Among critical issues that must be considered are costs, calibration facilities, security of moored instruments, standardization of data collection protocols, and training and availability of seagoing technicians to operate aboard research vessels.

All oceanographic vessels should continually monitor a suite of navigational, meteorological, and hydrographic parameters while at sea. These observations should be user accessible in real time, available at the end of the cruise, and archived. Parameters include: time, date, position, depth, ship speed and heading, wind speed and direction, air temperature, humidity, barometric pressure and PAR, seawater temperature and conductivity. All UNOLS vessels should have high-speed data connection to Internet.

A large variety of important scientific equipment (too expensive for an individual user) should be available on a shared-use basis from regional equipment pools. Examples include: ROV, SEASOAR, OSCR, CODAR, MET-SPAR Buoy, Sidescan Sonar. This equipment requires maintenance and technical assistance for its operation. Regional or national shore-based facilities will eventually be required to support an increasingly complex fleet of ships and oceanographic equipment.

SUMMARY OF RECOMMENDATIONS

Based on the workshop discussions, the following summary of general recommendations for future action is offered. More specific recommendations as to vessel design and related matters must await the drafting of more formal mission requirements.

- Large ships should be available to coastal scientists.
- A new generation of shallow-draft vessels is needed.
- A new generation of coastal (approximately 30 m) vessels is needed.
- Coastal vessels need increased sea-keeping ability.
- Vessels must be able to support multi-wire operations.
- Ability to launch AUVs, ROVs and moorings must be increased.
- Flow-through sampling should be facilitated.
- Vessels must be capable of 3-point anchoring at depths less than 100 m.
- Communication links to shore for data transfer must be improved.
- The coastal community should be educated on new platforms and instruments.

- Better algorithms for analysis of satellite data should be developed.
- Better shore-based data acquisition systems should be developed.
- Regional or national pools of shared expensive equipment should be established.
- Regional or national shore-based facilities for instrument calibrations, technician training, and computer applications should be established.

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TABLE 1. COASTAL VESSEL AND FACILITIES WORKING GROUPS

Day 1 : Research Needs

A1 Synoptic Observations	*A2 Time Series Observations*	*A3 Interdisciplinary Studies*	*A4 Information Management*
L.Atkinson (Chr.)	C.N.K.Mooers (Chr.)	C.Wirick (Chr.)	F.Grassle (Chr.)
J.Grassle (Rap.)	C.Flagg (Rap.)	C.Nittrouer (Rap.)	J.Paul (Rap.)
K.Kaulum	G. Geernaert	G.Taghon	R.Lai
N.Marcus	D. Jay	R. Jahnke	J.Costlow
E. Durbin	E.Urban	R.Pittenger	M.Langseth
L.Jendro	J.Olney	A.Devol	L.Duguay
T.Moore	D.Dieter	L. Sanford	J.Acker
W.Ahrmsbrack	C.Mason	T.Church	M.Prince
D.Atwood	M.Scranton	P.Biscaye	F.Bohlen
R.Geyer	C.Sancetta	D.Boesch	M.Mulhern
M.Dagg	J.Brubaker	C.Simenstad	D.Wright
J.Van Leer	T.Royer	P.Betzer	M.Patterson
R.Dinsmore	R.Sternberg	R.Lambert	C.Dybas
M.Eschelman	W.Boicourt	C.Yentsch	M.Scott
R.West	C.Olsen	R.Jones	
B.McGregor	P.Donaghay		
J.Hain			

Day 2 : Facilities

B1 Large Ships	*B2 Aircraft Satellites,etc.*	*B3 Small Ships and boats*	*B4 Field Instrumentation*
P. Betzer (Chr.)	G.Geernaert (Chr.)	E.Durbin (Chr.)	R.Sternberg (Chr.)
R. Jahnke (Rap.)	J.Acker (Rap.)	R. Geyer (Rap.)	M.Patterson (Rap.)
K.Kaulum	T.Moore	N.Marcus	J.Grassle
L.Jendro	J.Costlow	M.Prince	E.Urban
C.Nittrouer	C.Mason	C.Simenstad	A.Devol
M.Langseth	P.Biscaye	J.Olney	M.Scranton
D.Dieter	D.Atwood	L.Sanford	C.Sancetta
D.Boesch	C.Mooers	G.Taghon	J.Brubaker
M.Dagg	C.Wirick	W.Ahrmsbrack	P.Donaghay
T.Royer	W.Boicourt	L.Duguay	F.Bohlen
M.Mulhern	J.Hain	R.Geyer	C.Flagg
M.Eschelman	G.Saunders	J.Van Leer	B.Butman
R.Pittenger	R.Lambert	R.West	R.Lai
C.Yentsch	B.McGregor	S.Kuehl	D.Wright
R.Dinsmore	T.Church	C.Olsen	D.Jay
		R.Jones	

RTCM Newsletter

VOLUME 12, NUMBER 7 AUGUST 1993

IS YOUR GMDSS EQUIPMENT LEGAL?

As a part of the Global Maritime Distress and Safety System (GMDSS), carriage of Navtex Receivers and 406 MHz satellite EPIRBs became mandatory for ships worldwide subject to the Safety of Life at Sea (SOLAS) Convention and for U.S. flag "Compulsory Ships" under provisions of United States domestic law.

For U.S. flag ships, equipment installed to meet GMDSS requirements, as delineated in Title 47 Part 80.1101 of the U.S. Code of Federal Regulations (47 CFR 80.1101), must be type accepted by the U.S. Federal Communications Commission (FCC) as GMDSS equipment and so labeled. As of August 1, 1993 only 3 models of Navtex Receivers and 4 models of 406 MHz Satellite Epirbs had been type accepted by the FCC as GMDSS equipment.

For other requirements listed in 47 CFR 80.1101, U.S. FCC type acceptance had been granted for GMDSS equipment as follows: (1) VHF radio equipment, 2 models; (2) MF radio equipment, 1 model; (3) MF/HF radio equipment, 2 models; (4) 9 GHz Radar Transponder, 1 model; (5) 2-way VHF Radiotelephone, 2 models; (6) INMARSAT A SES, 2 models; (7) INMARSAT C SES, 3 models; (8) INMARSAT EGC, 2 models.

FCC ORDER PHASES OUT CLASS C EPIRBS

As a follow-on to a previous Notice of Proposed Rule Making (NPRM), the U.S. Federal Communications Commission (FCC) has issued a Report and Order (R&O) amending the FCC Rules to phase-out Class C Emergency Position-Indicating Radiobeacons (EPIRB's) February 1, 1999.

Class C EPIRBs transmit signals alternately on VHF-FM Maritime Channels 15 and 16 for detection by nearby ships and coast stations. They are not detected by satellites and are not a component of the Global Maritime Distress and Safety System (GMDSS). Under the amended FCC Rules new Class C EPIRB stations will not be authorized after February 1, 1995 and Class C EPIRB stations authorized and licensed on before that date will only be authorized until February 1, 1999.

Copies of the Report and Order are available to RTCM members on request to the RTCM Office by telefax to 202-347-8540, by telephone to 202-639-4006 or by mail to the address listed on this Newsletter. Request Document ALFA QUEBEC ECHO.

NEWS BULLETIN—COMSAT INTRODUCES INMARSAT-B DIGITAL SERVICE

COMSAT Mobile Communications today announced that its land earth stations (LES) in Southbury, CT, and Santa Paula, CA, are the first in the Inmarsat system to receive approval to provide a new digital service, Inmarsat-B.

COMSAT's Inmarsat-B service initially will provide high quality voice service at 16 kbps, with fax and data speeds up to 16 kbps to be added by late 1993. An optional 56 and 64 kbps service also will be added in the future.

"Inmarsat-B will be the new standard for high quality and large volume communications in the maritime and land mobile markets," said Ronald J. Mario, president of COMSAT Mobile Communications. "Inmarsat-B offers the advantages of an Inmarsat-A — high data speeds, compressed video, broadcast quality audio and COMSAT's specialized telephone services — at a lower cost and using less satellite capacity."

Inmarsat-B's digital service will eventually replace the analog service currently provided by Inmarsat-A. COMSAT expects that all new vessels and land mobile users will purchase Inmarsat-B equipment and that many current Inmarsat-A users will replace their systems with the new, less expensive digital service. The digital services offered through Inmarsat-B make more efficient use of bandwidth and satellite power, giving the customer better quality services at a lower cost.

"With the full implementation of a digital system, we will be phasing out Inmarsat-A," Mario explained. "However, we will support the Inmarsat-A users for at least 10 years after the introduction of global Inmarsat-B service."

The initial price for COMSAT's Inmarsat-B service has been set at $6.95 per minute — 30 percent less than base Inmarsat-A charges. For large dish (2.2 meter) antennas with multi-channel capabilities, the rate is $3.95 per minute. The Southbury and Santa Paula LES's provide coverage in the Atlantic and Pacific Ocean Regions respectively. Indian Ocean Region coverage is planned for 1994.

One manufacturer, ViaSat Technology, has introduced a multi-channel Inmarsat-B terminal which can provide simultaneous voice, fax and data and can expand from 2 to 44 channels.

"Inmarsat-B will be the new standard for high quality and large volume communications in the maritime and land mobile markets,"
— Ron Mario, president

COMSAT projects that the greatest interest for Inmarsat-B services will come from large passenger and shipping vessels, and businesses in remote areas of the world that send significant amounts of data and faxes to home-based operations. Other potential users include broadcasters or reporters in remote locations needing high quality audio, compressed video or photo transmission features.■

"NOTICE"

CDC'S INTERNATIONAL TRAVELER'S HOTLINE OFFERS TRAVEL INFORMATION BY FAX

The Centers for Disease Control and Prevention (CDC) now offers health information for international travelers by facsimile transmission. Callers may receive documents outlining health risks and prevention recommendations (such as needed immunizations, food and water precautions and disease outbreak bulletins) for 16 regions of the world.

Through CDC's automated FAX Information Service, traveler's health information is always available, easily accessed and promptly delivered by FAX, a technological tool that is readily accessible to industry and most medical and public health professionals, and even the general public. To reach the CDC FAX Information Service, callers may dial (404) 332-4565 and request the travel directory, which contains a listing of all available topical documents. Once callers have received the directory by fax, they may call back and request the documents of interest. Callers should have the telephone number of their fax machine readily available before placing the call. Up to five documents can be ordered with one phone call. The service operates 24 hours a day, 365 days a year.

The new system is an addition to the International Traveler's Hotline, which provides recorded messages. The hotline number is (404) 332-4559. Both the hotline and the fax system are operated by the CDC's National Center for Prevention Services, Division of Quarantine.

U. S. DEPARTMENT OF HEALTH & HUMAN SERVICES
Public Health Service

CDC
CENTERS FOR DISEASE CONTROL AND PREVENTION

DEPARTMENT OF
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Public Health Service
Centers for Disease Control
and Prevention (CDC)
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One-day Strike Shuts Down NASSCO

Workers at the National Steel & Shipbuilding Company (NASSCO) yard, at San Diego, walked off the job May 17, to protest the layoff of four workers under a new employee-evaluation system. The protest was limited to a one-day strike, and about 300 workers crossed the picket line, but union officials said it effectively enlighten NASSCO management about union concerns.

According to the unions, NASSCO is illegally attempting to replace a union seniority system with a policy that bases layoffs on performance reviews. The reviews are carried out on a weekly basis, and rate each worker on a variety of factors using a 1-to-4 scale.

Fred Hallett, vice president of finance for NASSCO, said the company feels it was within its rights to impose the new policy, and regards it as "extremely critical" for the success of the shipyard in the future.

Unions have vowed to fight the policy and have told their members that strikes are "protected concerted activity" under federal labor law. Several thousand shipyard workers also walked off the job on April 29, when NASSCO management said it would implement the new employee-rating system, and there was a 25-day strike at the yard last year when the unions' last labor contract expired.

The shipyard is currently building several Fast Combat Support ships for the US Navy, and is preparing bids for a number of US-flag, double-hull petroleum carriers.■

Arbitrators Rule For Southwest Marine In RCCL Dispute

After recording a nearly five-fold increase in first quarter net income, Royal Caribbean Cruise Line of Miami has had the wind taken out of its sails by arbitrators, who ruled against it in a contract dispute with Southwest Marine of San Diego.

The ruling, evolving out of the conversion of RCCL's *Viking Serenade* from a car ferry, to a full cruise ship two years ago, may mean the cruise line will have to pay Southwest up to $35 million in damages.

RCCL and Southwest signed a $75 million contract for the conversion job in August 1990, but during the work a dispute arose between the two firms, when Southwest demanded an extra $38 million to cover additional structural work. Royal Caribbean refused to pay, and in April 1991, Southwest suspended work on the vessel for several weeks, causing a late redelivery. RCCL then sued Southwest for monetary damages in excess of $20 million and demanded arbitration. Southwest countersued for about $35 million, plus profit, the arbitration proceedings beginning in July 1991. A final judgment on damages may not come down until 1994. In the meantime, underwriters for an initial public offering of stock from Royal Caribbean Cruises Ltd. have fully exercised their over-allotment option and are selling an additional 1.5 million shares of RCCL stock. As a result, gross proceeds of the stock sale, initiated earlier this year, have risen to $207 million.

After recording a first-quarter income of $20.2 million on revenue of $270.4 million, RCCL expects to at least match, if not better, its last year's net profit of $60.6 million.■

High Court Considers Maritime Injury Suit

By Bob James

The Supreme Court last month agreed to consider whether merchant sailors can "shop" anywhere in the United States for a court to hear their personal injury lawsuits.

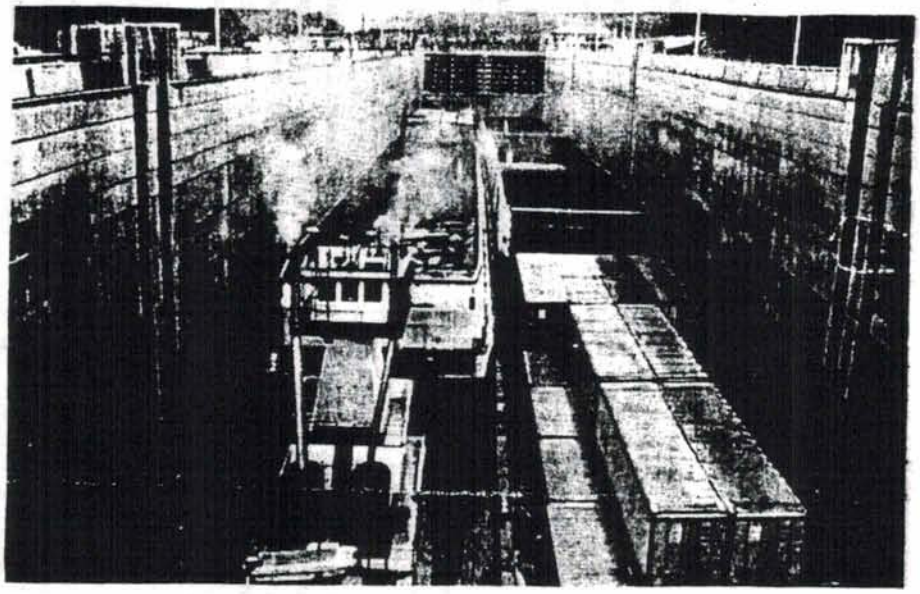
Appealing a decision of the Louisiana Supreme Court, American Dredging Co. of Camden, N.J., argued that seamen from around the world will be able to file spurious lawsuits in out-of-the-way state courts where they might receive better treatment than before a federal jury. Not only will doing so be expensive, American argued, but it opens the door to different interpretations of federal maritime codes.

Louisiana's high court said the state's procedural law does not allow those involved in a maritime case to have it dismissed because it is heard in an inconvenient location. All other state-court suits are subject to the inconvenience rule, however.

Both William Robert Miller, the Mississippi sailor who sued American in Louisiana after being injured aboard a tugboat in Pennsylvania in 1987, and the US Solicitor General's Office argued against the high court taking the case. They said that, contrary to American's arguments, state courts have the power to hear maritime cases if the potential ruling doesn't portend any major changes to federal law.

While the American case relates only to the US, the court's ruling, expected next year, could have broad implications for international commerce. According to the solicitor general's brief, the court could find that foreign sailors could file cases against foreign-based companies in state courts, instead of federal courts.

Locks
From Page 6



Tight clearance in Columbia/Snake River dam locks, combined with rapid water drawdown, can allow a single, unnoticed log to do considerable damage.

and repairs, while the deck barge was sent downstream to the company's Sundial yard for survey.

The lock itself, which suffered little damage, was returned to service on June 1. The incident was a one-in-a-million chance—and an eye-opener—for those who take lock operations on the river system for granted.■

State's Maritime Clout Gets Top Court Backing

By Bob James

Giving states even more power to regulate the maritime industry, the Supreme Court last month refused to reconsider a lower court's determination that Exxon Shipping Corp. must abide by Maine's disability laws.

Exxon appealed the First Circuit Court of Appeals decision, after that panel awarded former ship engineer Theodore Ellenwood an undisclosed amount of money, to compensate him for being fired by the oil company in 1989, when he refused to accept a reassignment.

Exxon ordered the officer off the deck after the company instituted a new substance-abuse policy, following the ***Exxon Valdez*** oil spill in March 1989. Ellenwood had checked himself into an alcohol rehabilitation center 17 months earlier, and was deemed by Exxon to be a safety risk.

Charging that his alcoholism constituted a handicap under the laws of his home state, Maine, Ellenwood filed suit against Exxon Shipping, even though nearly all state laws are superseded by Federal admiralty law. Much to Exxon's chagrin, Ellenwood won.

"Under the decision, the rights of individual crew members on board a ship sailing the high seas will differ widely, depending on the circumstances of a particular seaman, his residence, the ports at which a ship calls, the location of an employer or other factors," Exxon's lawyers wrote in their high-court brief. "The ruling, affirmed by the First Circuit, promises to have a broad impact on the maritime industry."

Maine's attorney general disagreed. Since the case was filed, Congress enacted the Americans With Disabilities Act, which expressly pre-empts state and admiralty laws.

"While this case remains a matter of considerable import to the parties, the pre-emption issues raised have been rendered largely academic by the ADA," Michael Carpenter told the Court.

Last week's ruling greatly upset the maritime industry, which is still stinging from a decision, last year, giving states the power to apply labor standards to ships plying coastal waters. The American Institute of Merchant Shipping told the court that admiralty laws must be uniform across the country or else the industry could face "great disruption" and confusion.

Ellenwood's attorney doubts the industry's motives, however, "Exxon's petition is really a request that the high court extend admiralty's interest in uniformity leagues beyond that established by its precedents."■

How not to run afoul of OPA '90

By Kris Freeman
Field Editor

Under the federal Oil Spill Pollution Act of 1990 (OPA '90), it's possible to run up a large recovery tab without spilling a drop of diesel. OPA '90 was passed in response to the devastation of Prince William Sound caused by the grounding of the tanker Exxon Valdez and contains strict fines and requirements to control vessels that carry fuel as a primary cargo.

However, the legislation also covers any vessel operating in the U.S. Exclusive Economic Zone. It also "forced the U.S.C.G. into taking a much more aggressive position regarding potential oil spills," says Steve Miller, editor of the Seattle-based Marine Response Bulletin. "The main thrust of OPA '90 is to get the oil tankers. But in the big net Congress set out they caught some fishing vessels in some instances," says Craig Wilson of the 17th District's Marine Environmental Protection Branch.

Take the case of the F/V Nepenthe. Last spring, the Coast Guard sent the owners of the 54' fishing boat a $10,768 bill for oil spill recovery, even though the vessel had spilled no oil.

The incident began in April 1992, when the Nepenthe ran aground on an ebbing tide near Chatham Straits, Alaska. According to vessel owners Jim and Susan Boyce, even though the vessel listed 40° to port, the hull was intact and did not take on any water or spill any oil from tanks or vents.

However, since the Coast Guard is now charged to prevent spills, as well as mop them up, Jim Boyce's radio call for Coast Guard assistance set off an expensive oil spill response that included: chartering a plane so Coast Guard officers could evaluate the site; flying oil response personnel up from the Pacific Strike Team in Alameda, Calif.; and hiring an oil spill contractor complete with landing craft and mop-up supplies. As one officer puts it, "when the ambulance pulls up, you want it to have all the equipment in case you need it."

Ironically, the Coast Guard was unable to supply Boyce with the equipment he did request: a pump. Due to an abundance of vessel emergencies caused by rough weather, all available pumps and Coast Guard aircraft were already committed. (Boyce was not taking on water at the time of his request, but he wanted a pump nearby in case his wooden hull split.)

At high water Boyce refloated the Nepenthe with the assistance of other fishing boats standing by. No oil was spilled. The clean-up contractors had not yet arrived. Boyce and his wife Susan received their bill shortly thereafter.

"To be honest, we may have overreacted a bit," said a Coast Guard employee familiar with the case. Bad publicity from the Nepenthe helped generate a relaxation in Coast Guard policy regarding billing responsible parties for oil recovery costs. As of May 1993, new policy allows the Coast Guard not to charge costs to "responsible parties" in all cases.

"It gives us more latitude," says Wilson. "They have discretion now in the initial stages of a spill or potential spill," says Miller. "They can spend government money until they decide there is a 'substantial threat' of a spill." Then the responsible party starts running up a tab.

"It means the government can make its assessment without looking foolish by charging some small fishermen out there," says Miller. It also gives field staff the flexibility to aggressively pursue potential spills without worrying about a public flap over billing.

Coast Guard officers have less latitude if they have to charter private transportation to the spill. "If we launch a Coast Guard plane or Coast Guard helo, we would charge that to our expenses. If we had to charter a plane, then they [the responsible party] would be liable for costs," says Lt. Cmdr. Michael Smith of the Washington, D.C., headquarters of the Environmental Protection Division, Pollution Response. "Our first choice," adds Smith, "is to use our own platforms for assessment because we can get those underway a lot quicker."

Another warning: Before they see a spill, Coast Guard officers can decide a substantial threat exists and the responsible party would be billed.

The policy change probably won't help the Boyces since their incident occurred under the old rules. In addition, the Coast Guard might have decided that the Nepenthe, an older wooden hull stuck on a rock, posed a "substantial threat." At press time, the Boyces were trying to decide whether to fight the charge in court or p their bill, which, thanks to fines and inte est, has topped $12,000.

Should I Report A Spill?

According to federal law, you must repo a spill, no matter how minor, if you are t "responsible" party. "You are a responsib party if the oil comes from your vess whether you top it off too high duri bunkering or run aground and breach yo tanks," says Miller.

"The penalty for not reporting is [typ cally] much greater than any penalty f spilling oil," says Wilson. For example, explains, if five gals. of fuel burp up duri a fuel transfer "and it's a first offense, t penalty is typically about $250 and usua less than $1,000."

But penalties for failing to report a sp are hefty and can range from $15,000 $25,000. And that's just the federal ta OPA '90 does not preempt state laws a penalties, which in some cases are stric than the federal statutes.

Nevertheless, given the experience of t Nepenthe, some captains aren't exact anxious to report minor or potential spil "After knowing what happened to the J Boyce," says Al Snelling of Samson T and Barge, "if I got caught on a reef, I'd leery to call."

FISH EXPO '93

Oct. 20-23
Seattle Center, Seattle, Wash.

Dealing with OPA '90 and other oil-pollution regulations as they affect vessel operators is the topic of a three-hour seminar at Fish Expo, from 9 a.m. until noon, on Friday, Oct. 22. For information on the session, contact Barbara Mercer at (206) 543-0059.

For general information about Fish Expo, tel. (207) 772-3005.

The Center for Marine Environmental Protection and Safety provides training for mariners and related professions in the responsibilities and techniques of environmental protection and oil spill response management.

The Center's resources include the nation's only Oil Spill Management training simulator. This simulator provides students with an opportunity to exercise skill developed during the training program within a realistic setting. In addition, it provides a vehicle for training entire response organizations, enabling member to perform assigned duties within a team structure.

OWNER/OPERATOR SPILL OVERSIGHT
$600

A two day course on spill oversight for vessel owner/operator and senior managers of companies affected by OPA-90. Topics include: legal requirements; effects of spilled oil on the environment and the economy; properties of hydrocarbons; behavior, control, and removal of oil on water; health and safety in spill-response operations; shore-based spill response management; and shipboard spill-response management.
Enrollment limit - 15 people.

SHORE-BASED SPILL MANAGER
$900

A three day shore-based spill manager training program designed for shore-based spill managers. Topics covered include: legal requirements; effects of spilled oil on the environment and the economy; properties of hydrocarbons; behavior, control, and removal of oil on water; health and safety in spill-response operations; shore-based spill management; recovery, cleanup, storage and disposal of oil; spill response seamanship; shore-based spill response management; and shipboard spill-response management. The program concludes with a full day of response exercises on the oil spill training simulator.
Enrollment limit - 15 people.

QUALIFIED INDIVIDUAL TRAINING PROGRAM
$1,500

A five day course covering the subjects necessary to meeting the OPA-90 Qualified Individual (Q.I.) requirements. Subjects covered include: the role and responsibilities of the Q.I.; the legal and regulatory matters for the Q.I. vessel response plan; and its implementation by the Q.I. and shore-based spill management for Q.I.'s. This program also includes an eight hour OSHA training, a media relations course; and a full day of interactive simulator exercises.
Enrollment limit - 12 people

OTHER COURSES INCLUDE:

HAZARDOUS MATERIALS

FIRST RESPONDER TEAM TRAINING

All courses may be customized for individual companies. For further information, please contact Mr. Dave Barry or Captain Thomas Bushy, Massachusetts Maritime Academy, Office of Continuing Education, P.O. Box D, Buzzards Bay, MA 02532.

MASSACHUSETTS
Maritime Academy

CMEPS TRAINING SCHEDULE Fall/Winter 1993

OPA '90 QUALIFIED INDIVIDUAL TRAINING PROGRAM - 5 DAYS

SEPTEMBER	20-25
OCTOBER	18-23
NOVEMBER	15-20
DECEMBER	13-18

Maximum attendance limit - 12 people — $1,500 per person

OPA '90 SHORE-BASED SPILL MANAGER - 3 DAYS

SEPTEMBER	8-10
OCTOBER	27-29
NOVEMBER	8-10
DECEMBER	6-8

Maximum attendance limit - 12 people — $900 per person

OPA '90 OWNER/OPERATOR SPILL OVERSIGHT - 2 DAYS

AUGUST	30-31
SEPTEMBER	30-10/1
OCTOBER	12-13
NOVEMBER	29-30
DECEMBER	20-21

Maximum attendance limit - 15 people — $600 per person

Bracing for a new insurance crunch

By Brad Warren
Field Editor

The crewman looked all right at first. He knew his way around a back deck, and he was likeable. But when he complained of a hernia, went ashore and began cranking tens of thousands of dollars out of the insurance company, the owner of the 110' stern trawler grew suspicious.

He asked around and learned that the same crewman had racked up substantial claims on a few other boats, and had probably picked up his hernia on another vessel.

Even if these doubts could be proven, the only way to beat the alleged "claims artist" was to dig trenches and prepare for legal warfare. Instead, the vessel owner's insurance company settled out of court for $70,000.

Never mind if that sounds excessive. Settlements for injuries like this one vary wildly and depend upon circumstances. But their influence on insurance rates is steady. The claim inched up protection and indemnity (P&I) premiums for the whole trawl fleet.

Rising P&I insurance costs — up sharply this year — are driving some vessel owners to try new strategies for trimming premiums, preventing dubious claims and reducing genuine hazards. Nor are they alone.

Harlock, Williams, Lemon, a Vancouver, B.C., marine insurance firm, is considering establishing a new vessel owners' plan modeled loosely after insurance pools launched by fishermen's associations. The Harlock plan, however, would require participating vessel owners to hire a loss-control consultant and would reward those who succeed in [illegible] claims by offering

building lay empty and available for rent last fall, according to Nixon.

The shrinkage in London's freewheeling insurance market means less capital is available to cover any losses the fishing industry might incur. So premiums are starting to shoot up, partly from the ordinary pressure of supply and demand and partly because London's remaining underwriters are strapped for cash.

Many fishing vessel owners this winter saw rate hikes of 40% to 50% for the "excess" portion of P&I coverage, which absorbs losses above the sum (say $500,000 or $1 million) their own insurance company is prepared to shell out by itself, says Eric Erven, a partner in the Seattle marine insurance brokerage of Carlson, Erven & Peters.

That "primary" insurance has also climbed, though less dramatically, Erven says. Hull insurance is also on the rise. The cumulative increase in P&I premiums could be 30% to 50% for big boats, and perhaps half that much for small boats.

Size affects price for two reasons. Big boats carry more crew, meaning more workers to insure. They also have much higher injury and fatality rates. But some P&I underwriters raised premiums 25% across the board in February.

In response, some vessel owners trimmed their coverage, shouldering enormous risks to lower their insurance costs. The owner of one large North Pacific longliner with a

Several legal trends that have pumped up premiums could soon get worse. Some claims managers say the Americans with Disabilities Act could generate grave hazards for crew and vessel owners, for instance, because it bars what were once common practices for determining whether job applicants are physically fit to work safely on boats.

Of course, insurers and vessel owners also say "ambulance chaser" lawyers have pushed up the price tag for even slight personal injuries. Several sources interviewed for this article refused to reveal either the sums paid in settlements or the amounts for which their vessels are insured, for fear of handing plaintiffs' attorneys a dollar figure that could be used to inflate their clients' claims against vessel owners.

For some underwriters, picking up the tab for the industry's expanding liabilities has meant red ink in virtually every fishery they insure, including both large and small vessels. Normally, insurers see solid profits on the small-boat fishing fleet.

Next month, we'll explore strategies, including insurance pools, that vessel owners can use to control risks and claims costs.

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A few fishing companies are hiring claims managers and risk-control specialists, usually as consultants. They deal with injured workers, scour boats for potential dangers, and devise ways to tighten crew members' adherence to safety rules. They even tap into the Marine Index Bureau's national database, which reveals major claims filed by any crew member, a record that can be used to discourage claims artists or fight them in court.

Crisis Brewing?

But the forces driving up P&I rates are much bigger than phony claims. Natural and industrial disasters, shoddy business practices and costly legal changes are also at work. "We could be headed back to the situation we had in the mid-80s, when basic availability of insurance became an issue, regardless of cost," says Dennis Nixon, a University of Rhode Island professor and marine insurance expert, who has played a key role in crafting insurance reforms and alternative coverage programs for the U.S. fishing fleet.

The London insurance market, which provides much of the capital behind marine insurance policies, is contracting. Investors are pulling out, stung by a string of major losses that have nothing to do with fishing: mainly shipping disasters (three mammoth oil spills last winter), hurricanes and, according to critics, a lot of reckless dealing in the insurance business.

One major London underwriting house has just gone broke. And Lloyds, the famous marine insurer, has cut so much staff that half its six-floor headquarters

cumulative increase in P&I premiums could be 30% to 50% for big boats, and perhaps half that much for small boats.

Size affects price for two reasons. Big boats carry more crew, meaning more workers to insure. They also have much higher injury and fatality rates. But some P&I underwriters raised premiums 25% across the board in February.

In response, some vessel owners trimmed their coverage, shouldering enormous risks to lower their insurance costs. The owner of one large North Pacific longliner with a crew numbering in the dozens cut his "excess" coverage to a fraction of his usual $1 million per crew member, keeping only a slender $5 million worth of P&I insurance.

How to control vessel insurance costs

Part II

By Brad Warren
Field Editor

Last month, we discussed the forces that are pushing up premium rates.

Salmon seiner John Curry may regret some things in life, but joining a vessel owners insurance pool isn't one of them. Curry and other members of the Purse Seine Vessel Owners Assocation's (PSVOA) insurance pools get back 74% to 100% of their hull premiums and 25% to 45% of P&I (protection and indemnity) outlays, depending on the extent of losses. The association holds the premiums for four years to cover any late claims, then returns the accumulated sum plus interest.

This year's surge in P&I premiums — as much as 50% for many vessel owners — has put new fire into the age-old challenge of controlling losses and insurance costs in the nation's most dangerous industry. Fishermen, underwriters and consultants are exploring ways to rein in casualties and related claims. Some have already become experts. Here are six strategies they recommend:

1) Be fair. Make sure injured crew members are treated promptly and well. Nothing jacks up the cost of claims like shrugging off workers' legitimate complaints. That's an invitation to legal action. And as many vessel owners know all too well, the Jones Act and other U.S. laws make marine P&I claims a happy hunting ground for plaintiffs' attorneys.

When the Point Judith Fishermen's Cooperative Association launched a P&I pool during the late 1980s, members found they could [illegible]

panies monitor their progress in preventing accidents.

"In a variety of industries we've worked with, companies have been able, on a sustained basis, to select and obtain a goal such as a 15% percent reduction in claims," says Nichols. "In the final analysis, though, it's up to the management of the company to see it through."

Some claims adjusting firms, such as Lamorte Burns, a nationwide company, help vessel owners prevent accidents by studying their records to pinpoint hazards in their operations. And a number of nonprofit organizations, fishermen's associations and private firms now provide training and safety programs for crews.

3) Hire smart. This has two parts. First, of course, experienced crew members don't get hurt as often as greenhorns. Second, if a claim gets testy, don't hire just any insurance lawyer or consultant; pick one who knows fishing.

Keep in mind also that the standard method of calculating fair compensation for a disability in land-based industries usually misses the mark for fishermen, says Jeff June of Natural Resources Consultants, a Seattle-based consulting firm that provides economic analysis for many insurance cases.

In part that's because crew members have a shorter "work life expectancy" than do people in ordinary land-based jobs. Few deckhands keep at it until age 65. By age 42, 85% of Alaska crew members have retired or moved on to other jobs, June says.

4) Track crew injuries. The point is to remove uncertainties that can turn a claim

they want to see a doctor. A "yes" answer gets them treated, but it also triggers a fact-gathering process and an effort to locate witnesses.

5) Arrange good medical care. During the insurance crunch of the mid-1980s, doctors in some East Coast ports grew leery of fishermen because they had difficulty collecting for medical services. Now outfits like the Nor'east Point Group make a point to pay them promptly.

Agents for some fishermen's groups work out deals with clinics, bargaining for reduced medical fees. Such arrangements can help assure that injured crew members get decent care, especially when fishing in distant waters. Those injured on U.S. tuna seiners in the Pacific are referred to "authorized" clinics in various Pacific ports.

6) Pool up. Consider joining a fishing vessel insurance pool or similar program that controls losses and premiums. Pools work because, in effect, they turn each customer into a shareholder. Thus members generally police their own ranks. "When you're basically insuring the guy next to you, you kind of look at him too," says McCauley.

Typically, pools narrow their scope, offering coverage primarily for certain vessel types, such as steel hulls or small boats. Many avoid fisheries that are known for high losses, such as Bering Sea crabbing.

Not surprisingly, such pools show almost 30% fewer claims per vessel insured than do conventional insurance companies and P&I clubs, according to a rough survey of data from the Marine Index Bureau.

Successful pools avoid shoddy vessel operators and drum out those who slip chronically into poor habits of maintenance and operation. That's a touchy chore, however, some associations choose to avoid. □

Where to get help

Here are a few organizations that can assist vessel owners regarding losses, claims and insurance costs. Many other firms and non-profits offer similar services.

Claims adjustors and risk managers

Arnold & Arnold, San Diego: (619) 233-1096.

Lamorte Burns & Co., Stamford, Conn.: (203) 975-7070.

Pacific Claims, Seattle: (206) 283-4647.

Crawford & Co., Atlanta: (404) 256-

Vessel owners' insurance pools and exchanges

Commercial Fishermen's Inter-Insurance Exchange, San Pedro, Calif.: (310) 832-4278.

Fishing Vessel Reserve Fund, Seattle: (206) 783-5303.

Neptune Group, New Bedford: (508) 994-2217.

Nor'east Point Group, Kingston, R.I.: (401) 828-6200.

Purse Seine Vessel Owners Association. Seattle: (206) 783-7733

six strategies they recommend:

1) Be fair. Make sure injured crew members are treated promptly and well. Nothing jacks up the cost of claims like shrugging off workers' legitimate complaints. That's an invitation to legal action. And as many vessel owners know all too well, the Jones Act and other U.S. laws make marine P&I claims a happy hunting ground for plaintiffs' attorneys.

When the Point Judith Fishermen's Cooperative Association launched a P&I pool during the late 1980s, members found they could cut legal costs associated with claims just by doing what came naturally for their injured employees. Many members of the Kingston, R.I.-based association felt their crews had not been given a fair shake by their old insurer.

"Sometimes they just didn't treat them right," says Jim McCauley, president of the assocation and its insurance pool, now called the Nor'east Point Group. "That bothered all of us. You get into a very confrontational situation."

2) Run a safe boat. To help cut down injuries, some fishing companies hire specialists, such as Crawford & Co.'s Risk Control Services Division in Bellevue, Wash. Manager Mark Nichols, an expert on marine claims and a former crewman on a tuna seiner, reviews safety precautions, conducts training sessions and helps combat a disability in land-based industries usually misses the mark for fishermen, says Jeff June of Natural Resources Consultants, a Seattle-based consulting firm that provides economic analysis for many insurance cases.

In part that's because crew members have a shorter "work life expectancy" than do people in ordinary land-based jobs. Few deckhands keep at it until age 65. By age 42, 85% of Alaska crew members have retired or moved on to other jobs, June says.

4) Track crew injuries. The point is to remove uncertainties that can turn a claim into a legal dispute, raising costs for injured crew members and vessel owners alike. A well-documented accident can usually be handled fairly and efficiently, experts say. But a claim that stems from a two-year-old, unreported accident can go sour fast.

Many offshore vessel owners now require crew members to sign on when a trip begins, indicating whether they have any medical problems, and to sign off at the end, stating whether they either experienced or witnessed any injuries or medical troubles.

In California, most tuna seine vessel owners use sign-in and sign-off forms printed in English and Spanish. One standard sign-off form, provided by Arnold & Arnold, a San Diego firm that serves the fleet with claims adjusting, investigations and survey services, asks crew members if they've been injured and, if so, whether

assist vessel owners regarding losses, claims and insurance costs. Many other firms and non-profits offer similar services.

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Lamorte Burns & Co., Stamford, Conn.: (203) 975-7070.

Pacific Claims, Seattle: (206) 283-4647.

Crawford & Co., Atlanta: (404) 256-0830.

Risk Control Services Div., Bellevue, Wash.: (206) 455-7634.

pools and exchanges

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Fishing Vessel Reserve Fund, Seattle: (206) 783-5303.

Neptune Group, New Bedford: (508) 994-2217.

Nor'east Point Group, Kingston, R.I.: (401) 828-6200.

Purse Seine Vessel Owners Association, Seattle: (206) 783-7733.

United Marine Fund, United Reserve Fund, Seattle: (206) 783-0977.

West Coast Marine Fund, Seattle: (206) 783-5416.

Explosives' regulations change

By LT Steven C. Hunt

On December 21, 1990, the Department of Transportation's (DOT's) Research and Special Programs Administration issued a final rule signaling a comprehensive change to the regulations for transporting all classes of packaged hazardous materials, especially concerning classification, communication, packaging and handling.

Known as "docket HM-181," this rule was developed partly to streamline the intermodal transportation of hazardous materials' process, domestically and internationally. The rule was based primarily on the United Nations' recommendations for the transport of dangerous goods.

Explosives (class 1 materials) were directly affected by the changes. Also, the distinction between the transport on water of military and commercial explosives was eliminated. Now one set of regulations governs both.

Commercial vs military

For nearly 20 years, the regulations for transporting military explosives by vessel were in 46 CFR part 146, while those for shipping commercial explosives were in 49 CFR part 176 (DOT's Hazardous Materials Regulations).

The preamble to a notice of proposed rulemaking under docket HM-204A issued in 1990 contained these observations: *"The existence of two essentially overlapping sets of regulations is of historical, rather than technical or legal origin . . . The regulations governing military explosives which remain in 46 CFR overlap and, in some areas, conflict with the explosives' regulations in the Hazardous Materials Regulations. . ."* and *"The existence of two sets of regulations, either of which could apply to the shipment of military explosives, cause shippers to be confused about which rules they must follow."*

On January 29, 1991, HM-204A was published as a final rule, revoking the regulations contained in 46 CFR part 146 on transporting military explosives by vessel, effective October 1, 1991. However, provisions of 49 CFR part 176 allowed a two-year transition period, during which time either the old or new regulations could be used.

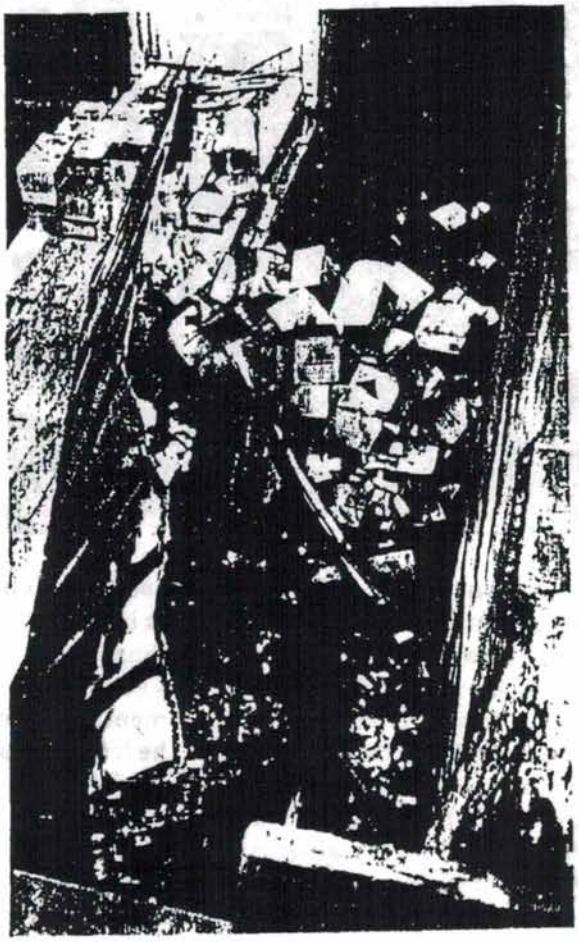
Certain requirements over classification of new explosive materials and other items were to take effect before the October 1, 1993 deadline.

Approvals

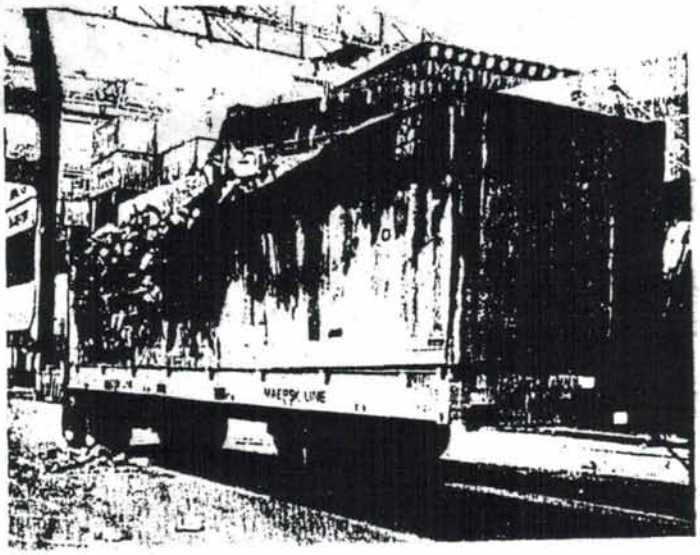
The need for special approval by the Coast Guard's Marine Technical and Hazardous Materials Division (G-MTH) for the transportation of explosives in freight containers, highway and railroad vehicles was also eliminated. Written permission from G-MTH is no longer needed as long as the containers comply with provisions in 49 CFR part 176 pertaining to their structural integrity. Certain other restrictions on handling and stowage also apply.

Container defects

A structurally serviceable container is one which has a current approval plate under the International Convention for Safe Containers. The container must not have any major defect in structural components, including top and bottom side and end rails, corner posts and fittings, door sill and header, and floor cross members.



Universal regulations should help to prevent cargo disasters like these from occurring.



Entry into enclosed spaces

A new section 28 to the general introduction has been incorporated. This section will advise users of the *IMDG Code* about personnel hazards on board vessels in enclosed spaces. Oxygen depleted atmospheres and the presence of poisonous gases and vapors are work hazards of which all aboard should be acutely aware.

Summary

These are only a few highlights of the broad spectrum of things to come for vessel transport. Since our domestic rules have been recently changed to allow transportation under the *IMDG Code* in most cases, the significance of the provisions of Amendment 27 is greater than ever before.

Work at IMO continues on such issues as ship's stores of a hazardous nature; the revision of the *Recommendations on the Safe Transport, Handling and Storage of Dangerous Substances in Port Areas*; Regulations II-2/53 and 54 of the International Convention for the Safety of Life at Sea (SOLAS); the role of the human element in maritime casualties; the use of radio beacons on containers and packages; stowage and segregation in open-top (hatchless) container ships; requirements for the safe carriage of irradiated nuclear fuel and many others.

These issues should be settled by 1997 - which, after all, is not far around the corner.

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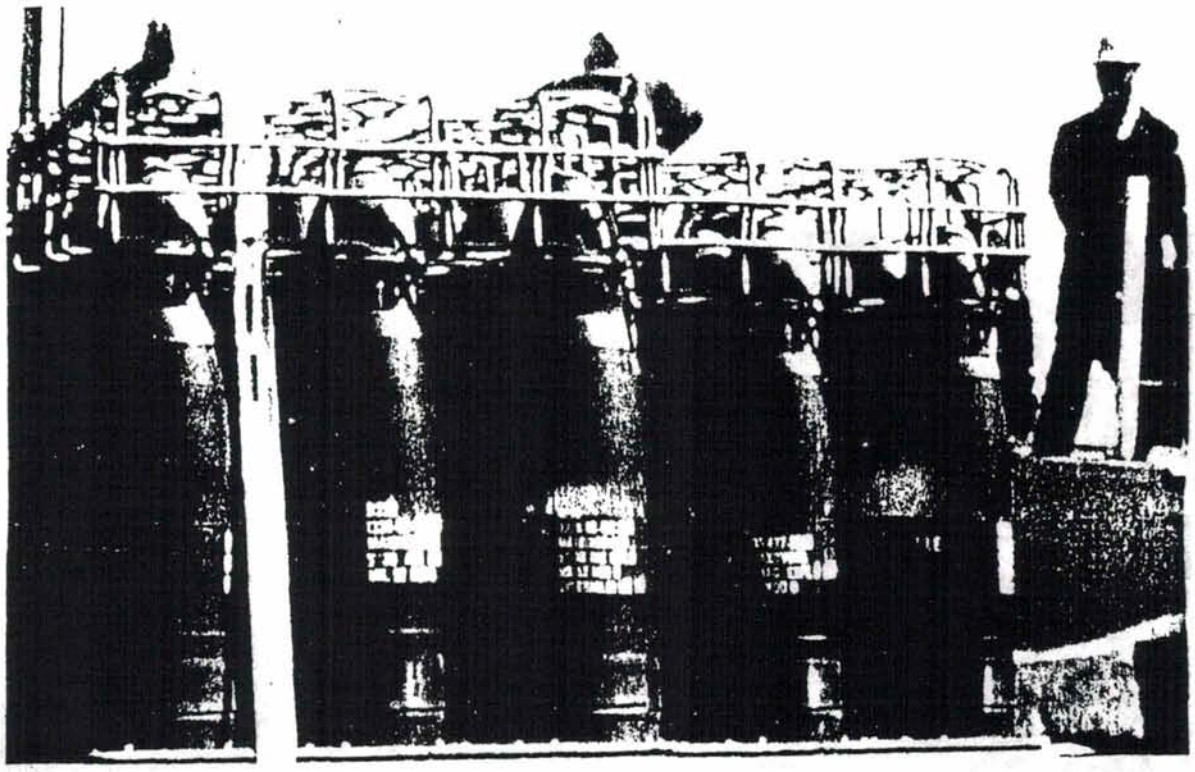

Major freight container defects include:

- dents or bends in structural members greater than 19 mm (0.75-inch) in depth, regardless of length;
- cracks or breaks in structural members;
- more than one splice (repair of structural member replacing material, but not the entire member) or an improper splice (such as lapped material) in top or bottom end rails or door headers;
- more than two splices in any one top or bottom side rail;
- any splice in door sill or corner post;
- door hinges and hardware that are twisted, broken, missing or otherwise inoperative;
- gaskets or seals that do not seal; or
- any distortion of the overall configuration great enough to prevent proper alignment of handling equipment, mounting and securing chassis or vehicle, or insertion into ship's cells.

Any deterioration, such as rusted metal in sidewalls or disintegrated fiberglass is prohibited. However, normal wear, including small dents, scratches and surface rust, is acceptable.

In addition to standard documentation for the shipment of dangerous goods, the transport of class 1 materials (except those in division 1.4 or old class C) must have a statement certifying that the freight container is structurally serviceable.

Conclusion

On October 1, 1993, the transition period for optional use of the old regulations for explosives' transport expires, and the new rules apply. Shipment of explosives in freight containers complying with the provisions in 49 CFR can continue without any special approval.

These changes should facilitate the safe transport of class 1 materials by eliminating duplicate requirements and special approvals.

LT Steven C. Hunt is a chemical engineer in the Packaged Cargo Section of the Hazardous Materials Branch.

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ent their testimony. A rapid, efficient presentation of only essential information-complemented by effective visuals-will go a long way toward ensuring that your side wins. If you win the battle of the experts, you are also likely to win the war.

OSHA ON COMPUTER

Technology moves so fast that many of us are unable to keep up with it. Vast databases are available on your computer via telephone modem such as Dialog, West Law, etc. There are also many offerings where the vender sells you the database and you put it on your own computer. Sometimes the database is contained on a CD, other times its size allows it to be put directly on your harddisk.

OSHA regulations are applicable as a matter of law in certain marine environments (see accompanying article). 49 CFR 1910 applies to uninspected vessels, 49 CFR 1915 applies to shipyards, 49 CFR 1917 applies to marine terminals and 49 CFR 1918 applies to longshoring operations. Therefore the contents and interpretations of these regulations is of utmost importance to the owners and operators of these facilities and services. They are also important to the attorney and the expert dealing with personal injury or death cases where OSHA regulations apply.

It is easy to buy the two volumes of the CFR which contain the applicable OSHA regulations. However, researching them takes time, and in some cases important portions are overlooked. These CFR volumes also do not include other pertainent information which is public record.

In the last two years several services have offered the OSHA regulations and other important OSHA information on a disk combined with a search program. This allows you in a few minutes to find all pertinent parts of the OSHA material.

We have just finished evaluating two databases distributed by TEXT-Trieve, Inc. P. O. Box 40062, Bellevue, WA 98004.

The first and most significant database is OSHA-Trieve ($397 for the first years subscription - less for subsequent years). It occupies a little less than 10 MB of memory and contains all OSHA regulations in parts 1900 through 1926 (subparts A-X), the Field Operations Manual (FOM), Standards Directives (STD's), Compliance Directives (CPL's) and Standard Element Paragraphs. Those familiar with OSHA regulations will immediately realize that the coverage extends not only to maritime activities, but to shoreside construction.

Continued on next page

Documentation of the software is not up to the standards which many programs are but to make up for that, the company will assign someone to train you on the telephone. After you have had a week or two to load the program and "play" with it, they will call you at a scheduled time and spend as much time as necessary to get you up and running, and to answer any of your questions.

Searches are relatively easy. You can limit the search to a specific area such as part 1910, but because the program is so fast, I generally search the entire database. The search is entered in a query field using key words or combinations of words connected by operators "and", "or", or "not". The search program also provides for the use of a wild card character, the asterisk (*), where the searcher wants to find all words beginning with a certain letter string. For instance, if you want to find the requirements for railings, you can enter the search as "rail*" and the program will identify all occurrences of the words "rail", "rails", "railing", "railings".

When you activate the search, key words used in the search query will be highlighted so as to be readily apparent in the surrounding text. You may then block text which you wish printed, or you may export blocked text into your word processor so that it may be incorporated in another document or letter.

The search takes less than a second. In running sample searches, I have already located information which I didn't know existed.

Subscription updates are mailed quarterly and contain a section on changes. Final Rules issued during the preceding period are published as they are in the Federal Register complete with preamble. Unfortunately, the subsequent update overwrites those published in prior periods. Often the preamble is used to interpret the new regulation and thus that is lost. I have suggested to TEXT-Trieve that they give the user the option of retaining the Federal Register documents if they desire and have adequate hard disk space.

The second database which I have reviewed is the OSHA-Trieve - letters of interpretation. This database occupies almost 4 MB of memory and contains some 1600 letters which OSHA has issued on interpretations of various regulations or in response to requests for waivers. For instance, a search on the subject of stair slope, the subject of the accompanying article, revealed a 1975 letter to a Portland, Oregon, firm requesting a waiver on the stair inclination limit of 50°. While the response addressed a shoreside application, it was on the same requirement which had been applied to vessels. This data base costs $129 for a years subscription.

I highly recommend these databases for anyone who uses the OSHA regulations. You can call TEXT-Treive at (800) 578-4955.

STABILITY - FISHING INDUSTRY VESSELS

The Coast Guard has stated that approximately 70% of the deaths in the fishing industry are related to vessel stability. (Federal Register, August 14, 1991 at page 40384).

The article, Fishing Processors & Load Lines, which appeared in the Spring '92 issue of the EXPERT, addressed requirements for load lines. As a prerequisite to obtaining a load line, a processing vessel must obtain a stability letter.

In 1988, Congress enacted further laws governing the stability of "Uninspected Commercial Fishing Industry Vessels." (46 USC 4501 et seq.)

These laws are applicable to uninspected vessels which are either a fishing vessel, a fish processing vessel, or a fish tender.

After many meetings with the public and the fishing industry to assure the workability of proposed regulations, the Coast Guard issued a Final Rule on August 14, 1991. This article will only address those portions of these regulations which deal with stability.

Because there was considerable controversy about applying international stability requirements to fishing vessels under 79 feet in length, stability requirements have not yet been issued for those vessels. D
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SHIP'S STAIRS AND OSHA

By Captain Kirk Greiner

In a case involving a slip and fall of a crew member descending stairs aboard a fishing vessel, plaintiff moved for summary judgement stating that the stairs, inclined 60°, violated OSHA requirements for industrial stairs.[1] (Although inclined stairs on vessels are nautically called ladders, the author will use the term stairs so as to differentiate between vertical ladders and inclined ladders.)

There were two significant issues before the court. First, did OSHA have the authority to regulate stairs on the uninspected fishing vessel, and secondly whether these stairs violated the standard for industrial stairs in 29 CFR 1910.24 which limited the inclination to 50°.

In addressing the first issue, the court first reviewed Kopczynski v The JACQUELINE, 742 F.2d 555 (9th Cir, 1984). The court found that the Circuit Court of Appeals relied heavily on the scope of the regulations which were those applicable harbor workers and longshoremen and found that those OSHA regulations did not apply to seamen. The plaintiff had apparently cited a violation of 29 CFR 1918, OSHA's Longshoring regulations and not to 29 CFR 1910, the general regulations. Subsequent decisions have called into question the validity of Kopczynski when applied to fact situations such as that before this court. The Court then turned to Donovan v Red Star Marine Services, Inc., 739 F.2d 774 (2nd Cir. 1984), cert denied, 470 US 1003 (1985). In that case, the appellant court found that the Coast Guard had to exercise its authority over the working conditions on uninspected vessels before OSHA was preempted and it had not done so. It even questioned whether the Coast Guard had authority citing the testimony of the Coast Guard Commandant before a congressional hearing on marine safety in which he stated "We. . . need some statutory authority [to regulate uninspected vessels]. We don't have that now." Id at 777.

In this case, the court reviewed several other opinions before concluding, "that OSHA has jurisdiction to regulate such stairways" on fishing vessels. Thus OSHA jurisdiction was established.

The next issue the court addressed was whether the standard for industrial stairs set forth in 29 CFR 1910.24 applied to stairs on vessels and thus limits their slope to 50°.

In 1990, OSHA published a Notice of Proposed Rulemaking (NPRM) on Walking and Working Surfaces.[2] A NPRM is nothing more than the notice required under the Administrative Procedure Act that a government agency is proposing to issue a regulation and affording the public the opportunity to comment on it. The proposal is still pending.

In the NPRM, OSHA states that one of the purposed standards is to "address areas not covered in existing standards."

In unfortunate and ambiguous language, the preamble states that "OSHA is . . . proposing three paragraphs which have no counterparts in existing §1910.24 [one of which is] ship's stairs. . . OSHA believes . . . that these types of stairways need to be addressed because of their increased use and because applying the general fixed stair requirements would be inappropriate."[3] A later comment in the preamble states, " Ships stairs and alternating tread type stairs are not addressed by the existing subpart D."[4]

What are ship's stairs. Are they any stairs on a vessel? "Ship's stairs" are defined in proposed section 1910.21 as "a stairway equipped with treads and stair rails with a slope greater than 50° from the horizontal. It is sometimes referred to as a ships ladder." Thus the term does not encompass all stairs on ships, but merely those above 50° up to 70° in slope. The preamble also states that they "are also used in the general industry." In discussions with the drafter, the term "ship's stairs" was chosen to delineate stairs of more than 50° slope either on vessels or ashore. Indeed, in the proposed new regulations §1910.25(e)(1), it states "Ship's stairs shall be installed at a slope between 50° and 70°" (emphasis added). Thus whatever standard was proposed, it would only apply to stairs with a slope in excess of 50°.

In the order denying the Motion for Summary Judgement, Judge Zilly addressed the issue "Did OSHA regulations regarding fixed industrial stairs apply to the ship's ladder from which plaintiff fell?" In deciding that they did not apply, Judge Zilly, deferred to OSHA's own interpretation of its regulations, citing the above NPRM and said they did not. "The Court finds that OSHA's interpretation of its regulations to exclude ship's ladders from its definition of fixed industrial stairs is reasonable" said the Court.

Is this really what OSHA said? A close reading of the NPRM indicates that OSHA merely said that it did not currently regulate "ship's stairs" which are only those stairs over 50° in slope. Thus, standards for industrial stairs set forth in 29 CFR 1910.24 would still apply to stairs on uninspected vessels that are not inclined more than 50°.

Turn page

The Court narrowed its interpretation later in the Order, stating, "the court finds that OSHA regulations do not encompass the stairway involved in plaintiff's injury." (emphasis added). That stairway was one of more than 50°. Thus OSHA's industrial stair standards can and should be applied to existing stairways inclined up to 50°.

The logic of OSHA in proposing stairways of more than 50° does not seem reasonable. The steeper the stairway, the less tread is available to the heel of a person descending the stairs. At some inclination, a person has to face the stairs while descending as they would on a vertical ladder in order for their foot to have enough tread for adequate contact friction. Prior to this, it has been relatively easy for a user to know which way he or she should face since vertical ladders do not have hand rails. However, if the new regulations were to be adopted, that distinction would be lost and a user may descend a "ship's stair" facing away from it when, because of the steepness, inadequate tread is available to safely descend in that manner.

The out come for the present is that OSHA still applies the industrial stair standard to stairs 50° or less in slope on uninspected vessels but there are no regulatory requirements on stairs over 50° in slope.

1. Joseph Mauler v. F/V CENTAURUS U.S. District Court, Western District of Washington at Seattle, docket C90-5467Z
2. 55 FR 13360
3. 55 FR 13371 left column 5th paragraph
4. 55 FR 13371 center column top

UNINSPECTED PASSENGER VESSEL MANNING REQUIREMENTS

There has been increased interest in the requirements for uninspected passenger vessels (UPV), i.e. 6-packs, operating and manning requirements throughout the United States. This inter-

MIB UPDATE

MAY - JUNE 1993

FOCUS ON FRAUD

A Review of MIB's Annual Membership Meeting Held in D.C.

More than 160 maritime industry executives gathered in Washington, D.C. on April 29 to participate in the Marine Index Bureau's Annual Membership Meeting. The morning session of the meeting zeroed in on personal injury fraud among Jones Act and USL&H claimants.

The session began with a presentation by Bill Kizorek, President, **In Photo Surveillance.** Mr. Kizorek discussed techniques for detecting and investigating personal injury claims. Accompanied by dramatic videotape of allegedly disabled claimants running, jumping and jet-skiing, Kizorek explained that fraudulent claims are created by the low risk to reward ratio created by traditional claim processing techniques.

According to Mr. Kizorek, when claim adjustors and claim managers do not act aggressively to detect and deter spurious claims, there is very little risk in making a fraudulent claim and there is substantial reward.

George J. Koelzer, Esq., of Los Angeles-based **Lane Powell Spears Lubersky,** provided an overview of the civil and criminal law issues involved in maritime personal injury fraud.

Mr. Koelzer discussed recent cases in New York, New Jersey, California and Maryland wherein prosecutors convicted prominent and highly successful personal injury lawyers for presenting fraudulent claims.

Despite such recent successes, anyone dealing with suspected fraudulent personal injury claims must walk a narrow line, Mr. Koelzer cautioned. "Any overreaction might cause legitimate claims to be mishandled. Fradulent claimants and their attorneys take advantage of the natural sympathy that the public and the courts feel for those alleged to have been injured through the negligence or fault of another."

In spite of this tilt in the justice system, it is possible for a skilled and experienced claim manager to spot suspicious claims. Mr. Koelzer suggested a series of tests to spotlight claims that may be viewed suspiciously: "Is this the first time the claimant has presented a claim, or has he repeatedly made personal injury claims? If so, how serious were his prior personal injuries? Is there a pattern to his claims? Do they, occur out of the sight or observation of other witnesses? Does the circumstantial evidence surrounding the alleged occurrence corroborate or disprove the claimed happening of the accident? Are the claimed injuries out of all proportion to the alleged accident? Of considerable importance, has the claimant always used the same lawyers and the same doctors? What is the reputation in the community of the lawyers and the doctors used by the claimant whom you suspect?

Once fraud is suspected, Koelzer cautioned that a conservative approach is warranted. But, according to Koelzer, underwriters should not take the view that it is "commercially reasonable" to settle a suspicious claim. Koelzer also stated, "There

(Continued on next page)

Corine Seitz Appointed To Advisory Board

Corine Seitz, Director of Human Resources for **Tyson Seafood Division**, has accepted an appointment to the Marine Index Bureau, Inc. Advisory Board.

Ms. Seitz, who has previously managed the human resource functions at Arctic King, Royal Seafoods and Stevedoring Services of America, joined Tyson Seafoods in October of 1992. She is the first representative from the seafood industry to serve on the MIB Advisory Board.

Tyson Seafood Division was formed last year when Tyson Foods acquired Arctic Alaska Seafoods, Inc. Tyson Seafood Division is the largest operator of fishing and fish processing vessels in the nation. At any one time, Tyson Seafood Division has in excess of 1,300 employees working afloat.

The Marine Index Bureau Advisory Board is composed of 24 high ranking maritime industry insurance and human resource executives. The Board advises Marine Index Bureau, Inc. and ensures that the Bureau performs its functions in accordance with the needs and requirements of the Bureau's membership.

Exaggerated & Fraudulent USL&H Personal Injury Claims

By John Chamberlain, Signal Administration Inc.

(Mr. Chamberlain is President of Signal Administration Inc. and a Manager Director of Signal Mutual Indemnity Association Ltd., a group self-insurance facility for longshore and harbor workers' compensation coverage. For a copy of this article in its entirety, call David Kennedy at MIB. 609 882-8909.)

The British Navy in the 1780s had an oral examination for promotion from midshipman to licutenant. One of the questions read: "What

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Focus on Fraud

(Continued from Page 1)

is no risk or danger to a dishonest claimant and his attorney, unless and until underwriters and their claims adjusters decide to vigorously confront these fradulent claims.

"What runs the legal system, criminal and civil, is fear of getting caught. If somebody is ripping you off, you want bad things to happen to them. It is no doubt expensive, and on a case by case basis, it may not be cost effective. But in the long run it is the only approach that can deal successfully with this issue."

John Chamberlain, President, **Signal Administration**, addressed the assembly with a discussion of techniques used to handle exaggerated and fradulent personal injury claims under the U.S. Longshore and Harbor Workers' Compensation Act.

David V. Hutchins, Esq., U.S. Department of Justice, Torts Branch, Civil Division, discussed the government's experience with seamen's personal injury claims. A great number of claims have arisen from the operation of MARAD Ready Reserve Force Vessels during the Persian Gulf War. According to Mr. Hutchins, a number of the claims presented appear to be without merit and the United States will litigate, not settle, such claims.

Exaggerated & Fraudulent Claims

(Continued from Page 1)

would you do if your ship was dismasted, and being driven by wind and current onto the rocks on a lee shore?" The answer was: "never allow your ship to get into such a situation." Advice on fraud is somewhat similar.

Penalties for fraud are laid down in the Act. It is an offense (sec. 31 (a)(1)), for any claimant or his representative knowingly or willfully to make a false statement or representation for the purpose of obtaining a benefit or payment under the Act. It is a felony, punishable by a fine up to $10,000, or imprisonment not to exceed five years, or both. The U.S. Attorney (sec. 31(a)(2)) shall make every reasonable effort to promptly investigate each complaint. There is to be a list of all individuals barred from representing claimants by reason of conviction (without regard to any pending appeal) of any crime in connection with representation under the LHWCA or any worker's compensation statute. There is also a list of medical providers, barred from treatment under the Act, for similar reasons (sec. 7(c)(1)(B)(i)).

All these sanctions arise after the crime has been committed and after the criminal has been identified. The law enforcement people in this country have a large number of claims to investigate and pursue. The prosecution of fraud is not without difficulty, and is not politically very rewarding. Prosecutions against employers for safety violations have a greater voter impact. Therefore, when any employer has a claim which can be prosecuted, it is not advisable merely to notify the U.S. Attorney, but to have a well documented case available.

Fraudulent and exaggerated claims make for a popular topic at a time when there is a perceived "workers' compensation crisis," with "costs out of control." At times like these, scapegoats (lawyers, doctors and other health care workers) are blamed for overspending other people's money. Claimants are seen as lazy, oversensitive and downright dishonest. Employers are offered help by medical cost controllers, rehabilitation experts and fraud squads.

It is necessary to distinguish between fraud, unnecessary claims, accidents which people allow to happen to them, and claims which are exaggerated. We need to analyze carefully how the claims can arise, and what can be done to contain them. Early recognition is essential. There used to be a legal maxim that people may not profit from their misdeeds. The Reagan/Bush Supreme Court in their "Son of Sam" decision, and refusal to grant certiorari in Eggert, have ended all that. There is no possibility under the Act of recovering money once paid, except as a credit against future payments, even if the money was obtained dishonestly.

Any crime requires a criminal, an opportunity and a motive. The major opportunity is attitude: "It's no big deal, everybody does it." This is the first hurdle to be overcome. What an employer may wish to regard as criminal conduct is not always seen by others as quite so serious. The cynical definition of "human" is, after all, "to lie, cheat, or steal in a small way." Nor are all employers quite free from suspicion in some matters. In casual labor situations, where workers hire out the Hall each day for a different employer, it is possible for a worker who has suffered from an accident to save it up until the next day and have it on the second employer. Sometimes there are inducements offered either to the claimant or his foreman to ensure that the "next day employer" gets the claim. If employers indulge in such conduct, complaints that they are getting hit with fraudulent claims can only be answered: "Serves you right." Attitudes are against honesty. We do not, as a society, like insurance companies, we do not like "goody-two-shoes," and we certainly do not like tattle tales. On the other hand, the glorification of the amiable rogue, especially the trickster, has a long history. Robin Hood is a hero. Therefore, the first thing an employer has to do is to overcome the presumption of permissibility. "Managers get cars; workers get comp. It's just a perk" is an attitude told to a terminal manager only a year ago. To change the attitude, the employer needs to run a clean shop, and his actions must reflect his words. His conduct must be above suspicion.

Loss Control & Safety Programs

Congress does not normally pass laws for no reason; usually they are passed to cure a situation perceived by society to be an abuse. In the longshore arena, the abuse was accidents at work, and two laws regulate it. The first, OSHA, seeks to prevent accidents, and the second, the LHWCA, deals with the consequences of accidents. Never allow conditions at work to arise which give rise to easy claims. This is simple accident prevention. A sloppy shop gives rise to genuine claims, and therefore a fake claim is easily disguised. Good housekeeping is the employer's equivalent of wearing hats and safety shoes. It shows a determination to do the right thing. Just as a lighted car park is less likely to be the scene of a crime than a dark passage, a well run business is less likely to be a target than a badly run one. Fakes want their claims paid without suspicion or fuss. Faced with an employer who questions all claims and has a credible prevention program, many fakes will try a different victim and

those who do not will find they face a high burden of proof. If you can show that your equipment is good and well-maintained and that the workplace is routinely cleaned up, an unwitnessed slip and fall is less likely to succeed. A good management does not tolerate hazardous working conditions, and takes action to ensure they do not become so.

A good safety program means prompt reporting and investigation of claims. Are you relaxed about claims? If so, you are an easy target. When you send a worker to the doctor, you are signing two blank checks, one to the doctor and one to the claimant. Be certain that you have a proper system for reporting and investigating accidents which is followed in all cases and is documented to prove that it is followed. This will reduce not only the possibility of fraudulent claims but also unnecessary claims as well. If you have an easy attitude toward claims, then people will assume that you expect them, and will help you in your expectations. It is not they who take advantage of you; you are asking for it.

If you have an inflexible rule relating to accident reports and prompt investigation, you eliminate the possibility of fake accidents being slipped past you. In some ports a list is kept of all mention of accidents: for people may report they hurt themselves but they do not wish to go to a doctor. If they are on the list, then their complaint is credible. If you keep no such list, then you have no way to tell. An employer who introduces such a system will have a shock, for reported incidents will skyrocket. "Conditions deteriorate as information improves," but at least now there is a true baseline. The manager is not unwittingly accepting risk.

Incidents must be investigated and written up. And there is concern here from foreman to management. Will the manager suddenly feel that he/she is a bad manager because there are these new claims? Will the foreman feel that he/she is going to be held guilty, rather than accountable, for the new claims? Obviously there is fear that investigation equals blame rather than a desire to fix underlying conditions.

Any system which is tightened up creates other problems. If you negotiate with someone to their disadvantage, they will try to recover elsewhere. When employers began to watch "Monday morning claims," there was an increase in Tuesday morning claims. Despite the difficulties, it is always worth paying attention. Nothing will deter the deliberate fraud but many unnecessary claims can be eliminated, There are claims made which a more robust claimant might not have made. The level of pain which triggers a claimant going to the doctor (how hurt is "hurt") depends on how you treat such reports. If you set an attitude that all claims are promptly and seriously dealt with, people know what to expect and respond accordingly. It is best to have a good medical provider skilled in industrial medicine as an injured person's "first port of call." Be sure the provider understands your business. He can then take an informed history from the man and call you back with comments on the safety of your operations.

Once opportunity has been eliminated as much as possible, there remain the criminals and the motives. In looking at people who have claims, we need to identify those at risk. Risk may be personal, or by reason of the operations. Grinders are always likely to have injuries. This is an operational hazard. People with prior back injuries are at risk for later ones: these are personal risks. These distinctions are obvious. Eye tests for people driving equipment appear to be personal care, but eliminate an operational problem. Operational hazards should be eliminated or controlled through your safety program. Employees, especially those with prior injuries, should be accommodated through an intelligent use of equipment, education and supervision. These matters are less tangible and less quantifiable. After years of study of back injuries, Professor Bigos of the University of Washington feels that the best indicator of a return to work after a back injury is how the worker relates to his immediate foreman. Your company can, by the foreman's treatment of injured people, bring claims or exaggerated claims upon itself. An angry word, a refusal to take a claim seriously, leads to a claimant taking offense. People respond to attention. Be sure the claimants get appropriate attention (this does not mean believing everything they say). Be sure that people do not slip through the cracks. They need regular constant attention from the employer. This is not a delegable function. You cannot subcontract it to the insurance company or your adjuster. When you send someone to the doctor, you are signing two blank checks. One for the doctor, one for the claimant. Be sure your money is well spent.

Once you have eliminated the mishandled employee and the disgruntled employee, you will have eliminated almost all your exaggerated claims. You need further to identify "the unhappy employee." These people have attendance records which are bad or whose home life is not happy. There is a relationship between absenteeism and accidents. Have your personnel people cross reference with your safety people.

Motive

Turning now from opportunity and the claimant, there is the motive. Why are fake claims made? There are certain identifiable reasons. There is "imported injury." It is a genuine claim. It happened, but not during employment. There are also the "I need time off" cases; "I need the money" cases; and the totally unexplained cases. Do not mistake the fake injury for the fake claim.

There are also popular complaints "that people are sitting in their houses drinking beer and watching soaps." The advertisements are for attorneys to help people recover workers' compensation. There are complaints of "ambulance chasers," of doctors and attorneys working in tandem, and there are loud cries that "something needs to be done." There are indeed people doing these things, but an advertisement in itself is not useful, it requires somebody to act upon it. If all your claimants are properly looked after, then only a fake would go to such an attorney. If you have provided proper medical care, then only a fake would go to a bad doctor. To complain about such attorneys and such doctors is not useful. What is necessary is proof to the contrary. Proof is documentary evidence. It is detailed, it is boring, it is not glamorous, and it requires a lot of thought and planning. If your company does not have a proper reporting and investigation system, then you're a target for exaggerated and fraudulent claims. There are no short cuts to eliminating fraud.

MIB UPDATE

JULY - AUGUST 1993

Identifying a Malingerer

By Bill Kizorek, President, InPhoto Surveillance

USL&H and Jones Act cases are frequently *the* most troublesome for claims handlers. There is a network of doctors, lawyers and others who refer cases back and forth. And, it sometimes seems, claimants are very well versed in the art of submitting claims.

InPhoto Surveillance is one of the nation's largest surveillance companies, with surveillance teams located within a three-hour drive of 80% of the USA's population. The following is an excerpt from Mr. Kizorek's remarks at the Marine Index Bureau Membership Meeting held in Washington, D.C.

I have identified 13 "Red Flags" that can help a claim manager spot a suspicious claim:

1) Claimant is never home to answer the phone or is "sleeping and cannot be disturbed."
2) Injury coincides with a layoff or impending layoff.
3) Co-workers hint that the subject is active in sports or other work.
4) The rehabilitation report shows that the claimant is suntanned, muscular, with calluses on his hands and grease under his fingernails.
5) The claimant is in line for retirement.
6) There is no present organic basis for disability. All indications are that the subject has made a full recovery.
7) Claimant receives mail at a post office box and will not divulge his street address.
8) Claimant has a history of self employment or is a tradesman (carpenter, electrician, etc.) who might work for cash while feigning disability.
9) Claimant has moved out of state.
10) There are excessive demands for compensation.
11) Disability claimed is beyond that normally associated with the claimed injury.
12) The claimant has a history of malingering.
13) There are "dueling doctors." One says the claimant is disabled, the other says the opposite.

USL&H and Jones Act cases, more often than not, have higher values than most other personal injury claims. Thorough investigations of the claimants background, claims history and current status are appropriate. This can start with an MIB Report and may include multiple surveillance periods.

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Misrepresentations on Job Applications

Employers have always been wary of representations made by job applicants concerning their prior employment and qualifications. But it is not always clear how misrepresentations on job applications should be handled.

For many employers, common sense says that anyone who has been dishonest on a job application should not be hired. Or if it is discovered at a later date that the applicant lied, and therefore fraudulently obtained the job, the employee should be dismissed. This article takes

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Gulfcoast Video

A March 31st ruling by the United States Court of Appeals for the Fifth Circuit changes the rules for defendants in some federal courts. In Chiasson v. Zapata Gulf Marine Corp., the defense surprised the plaintiff, Chiasson, by presenting a surveillance video as impeachment evidence.

The tape showed Chiasson entering a store and buying food, sweeping the carpet, and working under the car. The tape was meant to contradict the testimony of Chiasson. She claimed to have suffered permanent injuries in an unwitnessed accident aboard a vessel.

In vacating the original judgment and ordering a new trial, the appeals court wrote that the video tape should have been turned over to Chiasson's attorneys during discovery. The court reasoned that the tape was not mere "impeachment

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Identifying a Malingerer

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All claims investigations must be conducted in an ethical manner. And there are guidelines for legal surveillance procedures to ensure the admissability of the resultant tape. Ethical surveillance experts don't "set-up" the claimant, nor do we harass or torment him. We don't use the word fraud or insinuate any wrongdoing on the part of the claimant. We don't impersonate police, clergy or government officials. We film activity as well as inactivity and, importantly, if the claimant looks injured, we report it accordingly.

Many times, claims handlers believe that their TPAs or adjustment companies automatically conduct such thorough investigations when needed. This is oftentimes not the case. The company's own claims managers must actually direct the TPA to use outside resources, including surveillance and the MIB. The company's claim manager must be proactive and aggressively direct the adjustor or TPAs work or, in many cases, the claims will drag on.

Misrepresentations on Job Applications

(Continued from Page 1)

a more detailed look at how employers can best deal with misrepresentation.

How many people misrepresent themselves? A study conducted in 1988 considered 200 randomly selected resumes. The research showed that almost one third specified dates of employment that were inaccurate by three months or more. In addition, three percent identified false employers; three percent listed non existent jobs; four percent misidentified job titles; and 11 percent misrepresented the applicants' reasons for leaving prior employers.

What's an employer to do? First, let's consider the job application. It is important that applications request detailed information about past employment and other credentials, including dates of employment, reasons for leaving, full addresses of previous employers. In addition, applicants should be required to identify all positions held with past employers and should be asked to describe the associated duties and responsibilities of each job. Managers should review each application and ensure that information is not missing. Applications may also inquire about current illicit drug use, previous criminal convictions, actions against professional licenses or documents and driving violations.

Warnings on Job Applications Can Help. In a recent issue of Employee Relations Law Journal, it was suggested that an employment application include a warning that misrepresentations will be sufficient reason for discharge. For example:

I certify that all the information furnished on this employment application is true, complete and correct. I understand and agree that any misrepresentation, misleading statement, or omission of fact on this application or during the pre-hire process will be sufficient reason for (1) my not being offered employment or (2) dismissal from the service of the company if employed.

Before a job offer is made, the employer should verify the applicant's information with previous employers and compare the information given on the job application with information available from MIB Services, Inc.

A No-Exception Policy is Needed. Reason suggests that if a misrepresentation is disclosed, the applicant should not be hired, no matter how impressive the applicant otherwise is. And misrepresentations discovered after an individual is hired should result in immediate discharge. Uniform application of the rule prohibiting pre-employment misrepresentation is critical. Evidence that an employer has not consistently enforced the rule may cause great difficulties in the future, if litigation develops from a discharge based upon misrepresentation.

Gulfcoast Video

(Continued from Page 1)

evidence." Rather, the tape was substantive evidence which could prove or disprove the plaintiff's losses. Further, admission of the tape was a serious error as Chiasson's attorney "conceded that the case would...have settled if Chiasson had known about the video."

In a footnote, the court answered any concerns about the relative merits of truth and procedure in civil litigation: "We acknowledge that...this case...might yield questionable results: 'Our discovery and disclosure laws and rules...do provide hiding places for modern 'bushwhackers.' They are, however, the law."

Smoking or Non-Smoking?

The Novel Case of Charles Tinsley v. American President Lines, Ltd.

(Robert J. Finan, Esq., Finan & Sterling, San Francisco, CA, represented APL in this case: San Francisco Superior Court Case No: 900069. MIB Update is indebted to Mr. Finan for the following.)

Charles Tinsley was a seaman. Near the end of his career, he worked primarily aboard APL vessels. He was a heavy smoker and continued to smoke after his retirement in 1987. In 1989, Mr. Tinsley died of lung cancer.

The Tinsley heirs sued APL, contending they were negligent in

failing to warn Tinsley of the dangers of smoking: the packages of cigarettes he purchased on board ship did not contain the so-called Surgeon General's Warning. The heirs also contended that these cigarettes-without-warning rendered the vessels upon which they were sold "unseaworthy."

Mr. Tinsley had smoked Benson & Hedges cigarettes, which APL received from Philip Morris for sale aboard its vessels without any warning affixed to the packages. As federal law actually requires shipping companies to carry cigarettes for sale to seaman, APL sued Philip Morris, Inc. for indemnity or contribution. After all, APL was simply "caught in the middle," or so we contended.

After discovery, APL and Philip Morris moved for summary judgement: plaintiffs could not state a legal claim against them as a matter of law. The motion was granted and plaintiffs next took their case to the California Court of Appeal. After two separate sessions of oral argument, that court issued an opinion affirming the granting of summary judgement. Plaintiff's subsequent petition for a rehearing was denied. Later, the California Supreme Court denied review. The United States Supreme Court denied certiorari in March of 1993.

In deciding the appeal, the California Court of Appeal held that Charles Tinsley's fatal disease was not suffered "in the course of his employment" aboard APL vessels, as is required in order to maintain a cause of action for negligence under the Jones Act. The court also held that APL's vessels were not unseaworthy by reason of the presence or sale of cigarettes without warning labels. Cigarettes are not an appurtenance of the vessel which would give rise to strict liability under the seaworthiness doctrine.

Electronic Reporting for MIB Members

Many MIB members choose to report to the Bureau in an electronic format. Instead of reporting claims and employment information on paper, they report by modem, diskette or magnetic tape.

Electronic reporting has great appeal to members who use any kind of in-house computer system to store claims or personnel data. Information from these systems can be transferred to MIB systematically and with no duplication of effort. Making electronic reporting even easier is the fact that MIB does not require that the records be transmitted in any standard format or layout. On our end, the MIB staff performs the programming needed to translate and load the data. If you would like to learn more about electronic reporting to MIB, call John Mathew, Data Base Administrator (609-882-8909).

Positive Drug Test Results Hold Steady

An index of workplace drug testing results shows that a four-year trend of steady decline leveled off in 1992. According to SmithKline Beecham Clinical laboratories, 8.76% of those tested turned up positive for illegal drugs in 1992. The comparable 1991 rate was 8.81%.

The study looked at more than 2.5 million samples nationwide. In prior years the positive rates were: 18.0% in 1987; 13.6% in 1988; 12.7% in 1989; and 11.0% in 1990.

Reporting Casualties to the Coast Guard

Regulation 46 CFR 4.05-1 specifies when the Coast Guard must be notified of a marine casualty. The regulations apply to all vessels, U.S. and foreign, on the navigable waters of the United States. They apply to U.S. vessels anywhere in the world. Briefly, the regulations require timely notification to the nearest Coast Guard Office of:

1) All accidental groundings and any intentional grounding that meets the criteria described below or creates a hazard to navigation, the environment, or the safety of the vessel.

2) Any occurrence adversely affecting the seaworthiness of the vessel. This includes, but is not limited to the following: fire, flooding, failure, and damage of any kind to the fire equipment, lifesaving equipment, auxiliary power equipment, bilge pump equipment, etc.

3) Loss of main propulsion, primary steering, or any associated component or control system which causes a reduction in the maneuverability of the vessel.

4) Loss of life, or injury which requires professional medical treatment beyond first aid.

5) Damage to a vessel, or caused by a vessel, that amounts to $25,000 or more.

Self explanatory Coast Guard form CG 2692, providing the written notice required by the regulations may be obtained from the Coast Guard or from MIB at (609) 882-5999.

Standard-M:

Full-featured communication electronics get cheaper and more compact all the time

By Michael Crowley
Contributing Editor

Ever since Imarsat released its Standard-A communications system in the late 1970s, boats over 80' have had a dependable satellite-based voice communications system that owners of smaller vessels could only envy. But that's changed since Inmarsat's Standard-M has become operational, and electronics manufacturers are lining up to have their hardware approved. Now small-boat operators will have the same communications options that are available to larger vessels.

For smaller vessels, Standard-A's drawbacks have always been the size and weight of its antenna. In the vicinity of 220 lbs. and covered with a radome roughly 4' in diameter, Standard-A could only be carried by larger vessels. In addition, the price tag was around $50,000 when the system first became operational. The cost has now dropped to $35,000, which is still a big hit to the pocketbooks of most boat owners.

At about 40 lbs. and 2' in diameter, a Standard-M antenna should appeal to small-boat owners who have looked with envy at the old 220-lb., 4'-dia. Standard-A systems. The new Inmarsat system is also less expensive but slower and affords lower-quality voice transmission than Standard-A.

In 1987, small boats were able to tap into the Inmarsat satellite communications system with Standard-C. The system is relatively inexpensive ($10,000) and provides a secure form of communications, and its antenna is compact enough to fit on boats in the 30' range. But Standard-C was a store-and-forward-data communications system whose messages had to be keystroked and then forwarded.

Standard-M not only offers voice communications but will have data and fax capabilities sometime in 1994. In addition, Standard-M will also have polling and paging services. Polling will allow, say, a shore-based operator to call a vessel and electronically retrieve stored data or faxes without having to communicate with anybody on the vessel. Paging is similar to a voice-mail system where messages can be received without having to answer each call.

Standard-M, like its predecessors, sends messages through Inmarsat's network of four satellites (with six backup satellites) that provide overlapping coverage of all the earth's oceans except the polar regions. Messages from vessels go through the satellites to earth stations and then are routed to the signal's destination.

Advantages

Standard-M has advantages over Standard-A and Standard-C. Standard-M's antenna weighs about 40 lbs., and its radome has a diameter of about 2'. Because it is so much smaller than Standard-A, proponents of the system say it will easily fit on boats as small as 35'. At $25,000, the initial price is less than Standard-A's, as are the usage charges — $5.50 per minute for Standard-M as opposed to $10 per minute for Standard-A.

The quality of Standard-M's voice, however, is not as good as Standard-A's. The difference is that Standard-A has an analog transmission, which is the same as two people talking directly over a conventional phone line. Standard-M was a digital transmission, which means speech is broken down into its component parts and sent as digital data. Then the data is translated back into voice sounds. The process causes some of the voice quality to be lost.

In addition, Standard-M will send data at a much slower rate (2,400 bits per second) than Standard-A (9,600 bits per second). In other words, if you want to send a lot of data, send it at a rapid rate or want conventional phone quality for your voice transmissions, Standard-A would be more suitable. Of course, this assumes you have a big enough boat to support the system.

Though Standard-M does cost more than Standard-C and has a slightly larger antenna system, customers are willing to pay the difference to have the option of voice transmission. "People are more comfortable with voice than they are with data transmissions," says Kristan De La Rossa of Communications Satellite Corp. (COMSAT) in Washington, D.C. COMSAT is the sole supplier of Inmarsat in the United States and operates the system's two earth stations in Southbury, Conn., and Santa Paula, Calif.

Most of the users of Standard-C are yachtsman, who are attracted to the system "because they can spend time on their boat and still have a phone link to their business. That's not an option they have with Standard-C," says De La Rossa, who adds that Standard-M should also be useful to owners of commercial-fishing and work boats. (However, the system has only been available since November '92 and was not used until this past April. That's because only one company's hardware has been approved by Inmarsat for marine use.)

With preliminary approval for its equipment in March and final approval in July, Scientific Atlanta Mobile Satellite Systems in Norcross, Ga., has an advantage of several months over as many as 15 electronics companies that have yet to have their Standard-M equipment approved or are still in the design stages. (Included in the group gearing up for Standard-M are Magnavox, Furuno, Raytheon, Mobile Telesystems and Sperry Marine.)

The company's marketing manager, C.C. Howell, agrees with De La Rossa that most of the interest in the system is initially coming from yacht owners with boats 40' to 90' that want to take advantage of Standard-C's voice capabilities.

Scientific Atlanta offers a unit comprised of a terminal and primary phone with three possible extension phones that can be located anywhere in the boat. At the base of the phone is a red button that, once activated, transmits a distress message to the land-based station. This message can include the vessel's position because the terminal has its own built-in GPS module.

Options include a speaker phone, noise-canceling handset, fax and a printer. A personal computer is needed to transmit data.

Howell says that the security of Standard-M's voice messages, "while not up to government standards," are difficult to tap into. □